

By Mr. O'CONNELL: Memorial of the Legislature of the State of New Jersey in furtherance of a national system of highways in cooperation with the various States of the Union; to the Committee on Roads.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HULL of Tennessee: A bill (H. R. 14199) granting an increase of pension to George W. Roberts; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 14200) granting a pension to August Koeser; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 14201) granting an increase of pension to Clara Larish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14202) granting a pension to Ellen Jefferson; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 14203) granting a pension to Benjamin E. Mosby; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 14204) for the relief of the heirs of William August Ahrend, deceased; to the Committee on War Claims.

By Mr. SNELL: A bill (H. R. 14205) granting an increase of pension to Mary Polo; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 14206) granting a pension to Charles Hoffman; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3826. By the SPEAKER (by request): Petition of Institute of American Meat Packers, of Chicago, Ill., protesting against the baseless charges of profiteering made against the small packers; to the Committee on the Judiciary.

3827. By Mr. CARSS: Petition of a mass meeting of workers at Virginia, Minn., favoring the immediate release of all political prisoners and favoring the printing of papers in foreign languages; to the Committee on the Judiciary.

3828. By Mr. CASEY: Petition of Private Soldiers and Sailors' Legion, in connection with the bonus, signed by Anthony Visoski and 86 other residents of Luzerne County, Pa.; to the Committee on Ways and Means.

3829. Also, three petitions by the Private Soldiers and Sailors' Legion, in connection with a \$500 bonus for ex-service men, signed by Mike Shugkys and 75 others; Evan J. Williams and 96 others; Harry Winters and 90 others, all residents of Luzerne County, eleventh congressional district, Pa.; to the Committee on Ways and Means.

3830. By Mr. CRAGO: Petition of shoe retailers of Connellsville, Uniontown, and Brownsville, Pa., protesting against the enactment of the so-called Federal branding legislation; to the Committee on the Judiciary.

3831. By Mr. CULLEN: Petition of Bakers' Union, Local 163, Brooklyn, N. Y., favoring the passage of Senate joint resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

3832. Also, petition of New York Produce Exchange and the William E. Blaisdell Post 328, American Legion, of New York, opposing the bonus bill; to the Committee on Ways and Means.

3833. By Mr. ESCH: Petition of Chamber of Commerce, La Crosse, Wis., favoring early report of Joint Commission on Postal Salaries; to the Committee on the Post Office and Post Roads.

3834. Also, petition of Chamber of Commerce of La Crosse, Wis., in connection with location of a fish hatchery at that city; to the Committee on the Merchant Marine and Fisheries.

3835. By Mr. FULLER of Illinois: Petition of Chamber of Commerce of the United States of America, favoring suffrage and representation in Congress for citizens of the District of Columbia; to the Committee on the Judiciary.

3836. Also, petition of East St. Louis (Ill.) Lumber Co. and H. F. Drobisch, of Peoria, Ill., opposing delay or postponement of the zone postal rates going into effect; to the Committee on the Post Office and Post Roads.

3837. By Mr. GALLIVAN: Petition of J. B. Noyes, of Boston, Mass., favoring early report of the Joint Commission on Postal Salaries; to the Committee on the Post Office and Post Roads.

3838. Also, petition of J. B. Murray and others urging early and favorable report by postal commission; to the Committee on the Post Office and Post Roads.

3839. Also, petition of president of American Federation of Labor, in connection with House bill 12775; to the Committee on Military Affairs.

3840. Also, petition of Addison C. Getchell & Son, of Boston, Mass., protesting against proposed tax on advertising; to the Committee on Ways and Means.

3841. By Mr. HUDSPETH: Petition of Wade Hampton Chapter, No. 1658, United Daughters of the Confederacy, relative to the omission of Lee and Jackson from the memorial columns of the Memorial Amphitheater, in Arlington; to the Committee on Public Buildings and Grounds.

3842. By Mr. JOHNSTON of New York: Petition of the Merchants' Association of New York and the New York Produce Exchange, of New York, protesting against the passage of the bonus bill and the proposed method of taxation; to the Committee on Ways and Means.

3843. By Mr. KAHN: Petition of Private Soldiers' and Sailors' Legion of the United States of America, urging favorable consideration of House bill 10375, providing a bonus of \$500 for all who served in the World War; to the Committee on Ways and Means.

3844. Also, papers to accompany H. R. 14183, granting an increase of pension to Matilda E. Ames; to the Committee on Pensions.

3845. By Mr. MCGLENNON: Petition of five branches of Friends of Irish Freedom, in connection with the recognition of Ireland; to the Committee on Foreign Affairs.

3846. Also, petition of Council of the town of Kearny, N. J., in connection with postal salaries; to the Committee on the Post Office and Post Roads.

3847. Also, petition of two church clubs of Montclair, N. J., favoring loan for relief of central Europe; to the Committee on Foreign Affairs.

3848. By Mr. MACGREGOR: Petition of Typothetæ of Buffalo, N. Y., protesting against proposed tax on advertising; to the Committee on Ways and Means.

3849. Also, petition of Wolanski Post, No. 707, American Legion, Buffalo, N. Y., favoring fourfold bonus plan; to the Committee on Ways and Means.

3850. By Mr. NEWTON of Missouri: Petition of Wilfred G. Albert and Miss Ottilie Blumenthal, Republican committee women, both of St. Louis, Mo., protesting against the manner in which the St. Louis post office is being conducted; to the Committee on the Post Office and Post Roads.

3851. By Mr. O'CONNELL: Petition of Robert Gair Co., of Brooklyn, N. Y., opposing the passage of House bill 13874; to the Committee on Ways and Means.

3852. Also, petition of Corporal John Ruoff Post, No. 632, American Legion, Ozone Park and Woodhaven, Long Island, favoring bonus for soldiers, and William E. Blaisdell Post, No. 238, American Legion, and sundry other citizens, opposing the bonus bill; to the Committee on Ways and Means.

3853. By Mr. OSBORNE: Petition of 250 members of Private Soldiers' and Sailors' Legion, Los Angeles, Calif., in favor of House bill 10373; to the Committee on Ways and Means.

3854. By Mr. RAKER: Two petitions favoring passage of House bill 1112; to the Committee on the Judiciary.

3855. Also, petition of T. F. Perry, post commander, American Legion Post, of Colfax, Calif., and the Private Soldiers' and Sailors' Legion of the United States, in connection with the bonus; to the Committee on Ways and Means.

3856. Also, petition of Commercial Club of Independence, Calif., urging that the Lee Vining Creek Falls on the Tioga Road leading into Yosemite Valley be preserved in all their present scenic beauty; to the Committee on the Public Lands.

#### SENATE.

MONDAY, May 24, 1920.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for a religious experience that gives to us broadness of mind, purity of intent and purpose, an ever-enlarging sympathy, and love, and hope. Herein Thou dost set us free from the domination of the passing circumstance of life. Thou dost give to us visions of the larger life that touch upon the great issues of life eternal. Draw us near to Thyself. Give us ever the light of Thy presence upon our pathway. May our hearts be constantly in attune with the Divine. We ask it for Christ's sake. Amen.

The Reading Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday, May 21, 1920, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## CALLING THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McLean	Smith, Ga.
Ball	Fernald	McNary	Smith, Md.
Borah	Harding	Moses	Smith, S. C.
Brandegee	Henderson	New	Smoot
Capper	Jones, Wash.	Norris	Sterling
Comer	Kellogg	Nugent	Thomas
Culberson	King	Page	Townsend
Curtis	Lenroot	Robinson	Underwood
Dial	Lodge	Sheppard	Warren

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. HALE, Mr. HARRISON, Mr. HITCHCOCK, Mr. JONES of New Mexico, Mr. KEYES, Mr. KNOX, Mr. NELSON, Mr. OVERMAN, Mr. SHERMAN, Mr. SPENCER, Mr. WADSWORTH, and Mr. WALSH of Massachusetts answered to their names when called.

Mr. SPENCER. May I announce that the Senator from Missouri [Mr. REED], the Senator from Iowa [Mr. KENYON], and the Senator from Ohio [Mr. POMERENE] are engaged in business of the Senate in committee?

Mr. WALSH of Montana, Mr. GAY, Mr. STANLEY, Mr. TRAMMELL, Mr. KENDRICK, Mr. McKELLAR, Mr. SIMMONS, Mr. PHELAN, Mr. BECKHAM, Mr. SWANSON, Mr. GLASS, Mr. MYERS, Mr. SMITH of Arizona, and Mr. WATSON entered the Chamber and answered to their names.

Mr. McKELLAR. The Senator from Georgia [Mr. HARRIS], the Senator from Oregon [Mr. CHAMBERLAIN], and the Senator from Nevada [Mr. PITTMAN] are absent on official business.

The VICE PRESIDENT. Sixty-two Senators have answered the roll call. There is a quorum present.

## ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bill and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

H. R. 12626. An act for the relief of certain persons to whom, or their predecessors, patents were issued to public lands along the Snake River in the State of Idaho under an erroneous survey made in 1883;

S. J. Res. 189. Joint resolution authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases; and

H. J. Res. 327. Joint resolution repealing the joint resolution of April 6, 1917, declaring that a state of war exists between the United States and Germany, and the joint resolution of December 7, 1917, declaring that a state of war exists between the United States and the Austro-Hungarian Government.

## PERSONAL EXPLANATION—UTAH-IDAHO SUGAR CO.

Mr. SMOOT. Mr. President, I ask unanimous consent at this time to present a question that has particular reference to myself. I will say to Senators that it will not take more than 15 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Utah will proceed.

Mr. SMOOT. Mr. President, we all recognize the extreme sugar shortage in the United States as well as in all the world, and the serious consequences following such a shortage; and no one can object to any action that can be taken to control or regulate the lawful distribution of the same, but when any department of our Government undertakes to secure the defeat or the election of a United States Senator through an investigation of the affairs of a sugar company it is time that such a contemptible practice be called to the attention of the public.

I am positive the honest people of this country will not approve of any such rotten politics. This very thing is taking place in the State of Utah, and to prove this statement I have but to recite what has in the past and is taking place to-day.

In the first place, I wish to go back some months when this unthinkable proposition was first brought to my attention by Gen. Richard W. Young, during his visit to Washington as the attorney of the Utah-Idaho Sugar Co. He was here to learn, if possible, if there was any truth in the rumor that the Federal Trade Commission was going to make an investigation of the affairs of the Utah-Idaho Sugar Co.; and if so, upon what basis and for what reason. Think of my surprise when he told me that he had no doubt the investigation would be made some time before the next election, and among other causes assigned

was the one that it would help to defeat me for reelection. I could not see how any investigation could possibly affect me, for I have never been an officer of the company; I have nothing to do with its management; I have never done anything for the company that I would not willingly have done for any other business organization in the United States; that I own but 440 shares of the capital stock of the company, valued even to-day at \$9 per share, and the same came to me through the purchase at public sale of about 76 shares of the stock once owned by my father's estate, and the balance of my present holdings came to me by my subscribing \$1,500 to build a sugar factory at Dewey, Idaho, which proved a failure and was dismantled and removed to Utah by the Utah-Idaho Sugar Co., after which I received stock in the Utah-Idaho Sugar Co. for my stock invested in the sugar factory at Dewey, Idaho; that I never bought a share of the stock other than the 76 shares already mentioned; that I have never sold a share of the stock of the company in my life; and that the dividend I receive from the company is \$22 per month.

So, under these conditions I paid no more attention to the matter until yesterday, when I received information of a telegram that had been sent from Salt Lake City by one George E. Sanders to Attorney H. W. Beer, of the Federal Trade Commission, at Rigby, Idaho, to which I will call the Senate's attention later. Senators will remember that last December I called the attention of the Senate to the fact that the Attorney General had fixed the price at which the producers of beet sugar could sell their sugar at 10½ cents per pound, while at the same time he allowed the cane-sugar producers of Louisiana to sell their sugar at 17 cents per pound.

The beginning of this year the sugar situation became alarming. The President had refused, upon the advice of Dr. Taussig and against the advice of the other members of the Sugar Equalization Board, to purchase the Cuban crop at 5½ cents for Cuban raws, and shortly following that decision wild speculation in Cuban sugars began and prices advanced rapidly. The beet-sugar producers considered the situation intolerable, and the officers of the Utah-Idaho Sugar Co. decided to request that I take up the question with the Attorney General, and following is the part, and the only part, that I have taken in which the price of sugar was involved.

On January 7 I received a telegram signed by officials of the Utah-Idaho Sugar Co. reading as follows:

Please see Attorney General and secure modification of his telegram dated October 18, wherein he said, in brief: "The Department of Justice will treat as an unjust charge any price in excess of the United States Equalization Board's basis for beet-sugar sales and consider such a charge a violation of section 4 of the Lever food-control act." Competitors here have sold sugars at prices ranging from 14 to 20 cents, and are competing with us for next season's beets in same fields, and we, under threat of prosecution, are maintaining Government's price of ten-fifty. Is this fair, reasonable, right, or just? Government has allowed Michigan beet to be sold at 12 cents without prosecution, and Louisiana situation is well known. To fix price for one factory or locality on basis of cost means favoring the inefficient and slothful and penalizing the thrifty and prudent. Can not the Department of Justice recognize world's market price, somewhere near 14 or 15 cents New York, and instruct district attorney here to institute proceedings only if we sell above such figure? Situation intolerable, and our directors feel that conditions warrant and justify a price in excess of a ten-fifty price. Couldn't you get district attorney here instructed to institute proceedings only if we sell above 14 cents? Parties here from East bidding for our sugar at 20 cents f. o. b. factory. Have information that thousands of tons are being sold by refiners in New York at 15 cents and above.

Immediately upon receipt of the telegram I took the subject matter up with the Attorney General's office. The Attorney General advised me that he was not familiar with the details of the sugar situation, but would instruct Mr. Garvan to come to my office the following morning for the purpose of holding a conference on the question of the future price of beet sugar. I then answered the telegram as follows:

Attorney General has instructed Mr. Garvan to hold conference with me this afternoon on question of price of sugar. Presented your telegram to the Attorney General, and he did not see his way clear under the law to pass upon the question with the information he has at hand. Will report result of conference as soon as possible.

Mr. Garvan failed to come to my office on the 9th, but the Attorney General sent Mr. A. H. Riley, of the Bureau of Investigation, Department of Justice, to see me on the morning of January 10. After a two hours' conference with Mr. Riley I sent the following telegram:

Held two hours' conference with Riley, sugar man, Department of Justice. Believe he will recommend to Attorney General Monday to allow beet sugar to be sold on basis of 12 cents, increase of 1½ cents per pound. Will advise me Monday and I will telegraph you results.

On January 12 I sent the following telegram:

Riley and Garvan prefer to wait until Wednesday to consult Attorney General, who is out of town, before deciding on subject matter of your telegram relative to sugar prices.



On January 14 I received the following night lettergram:

We thank you very much for your splendid work on sugar matter. This morning American Sugar Refining Co. announces price 15 cents New York, and this afternoon C and H make same price San Francisco. In normal times these two concerns virtually make sugar market for United States based on Cuban and Hawaiian raw sugars, respectively. Doubtless you have presented to Department of Justice the impracticability of ultimate consumer receiving benefit of ten and a half price in Utah when sugar is bringing 15 to 20 cents retail in eastern markets. From information received through our brokers we are convinced that little or no sugar is reaching the consumer based on a ten and a half price, hence the ridiculousness of a situation that compels one or two companies in Colorado and Utah to continue selling sugar on such a basis. As an example of the unbearable condition here speculators are buying our sugars in five and ten bag lots, assembling same into carloads, shipping to Chicago, where they net six or seven dollars per bag profit, and should we attempt control situation by withholding sugars from market would likely be charged with hoarding as we were in Northwest recently. Since previous telegram, Gunnison, Rigby, and other producers, who have accepted higher prices than Government allowed for sugars, are bidding \$12 for beets in our fields, while we can not afford to go higher than \$10 account having sold our sugar on 10½-cent basis. Telegraph us something definite tomorrow if possible. Our directors feel situation intolerable.

After the receipt of the above telegram and a conference with Mr. Riley I sent a telegram, dated January 15, as follows:

Wire me immediately number of tons of beet sugar that can be shipped East within 30 days from all factories in Colorado and Utah, Idaho, Montana, or factories controlled by sugar companies within those States providing price paid is on 12-cent basis.

To that telegram I received the following answer:

Fifty-five million one hundred thousand pounds all companies allotment to March 1, based on 12 cents seaboard basis, but none of this to be shipped east of Chicago, as we are obliged to take care of our trade in our eastern territory on monthly allotments.

Shortly after the receipt of this telegram I held another conference with Mr. Riley, following which I sent, on January 16, the following telegram:

Am directed to notify you that sugar companies named in my telegram, dated January 15, may ship 55,100,000 pounds beet sugar between January 17 and March 1, at 12 cents seaboard basis, but none of it to be shipped east of Chicago. Each shipment with amount, name of purchaser, and destination to be sent daily by letter direct to A. W. Riley, Bureau of Investigation, Department of Justice, Washington, D. C. Please make best possible distribution. Letter will follow.

I received in answer to this telegram on January 17 a wire as follows:

We wish to express to you our thanks for the quick action you have secured in relation to sugar matters. As a consequence the different sugar companies have practically arrived at the conclusion that they will announce a \$12 price per ton for beets in 1920. Inasmuch as New York and San Francisco basic price 15 cents, why is it Government continues to try to hold down price of beet sugar, in which farmers of all these States so greatly interested?

After consultation with Mr. Riley on January 19 I sent the following telegram:

Read your telegram January 17 to Riley, Department of Justice, and he thinks if all beet sugar now on hand is sold at 12 cents announcement should be made that companies will pay \$12 per ton for 1920 beets. If sugar is sold at 15 cents, undue profits would follow and would lead to prosecution under existing law.

I wired the Utah-Idaho Sugar Co. on January 20, after receiving a telephone message from Mr. Riley, as follows:

Reported to Department of Justice you have withdrawn sugar from sale. Wire facts in case.

I received an answer to that telegram January 24 reading as follows:

Report of our withdrawal from market absolutely untrue. More than 40,000 bags now rolling to eastern territory, and in addition have invoiced 158,000 bags so far this month. Total amount of new sugar shipped 670,000 bags out of this season's production, or more than 50 per cent of total sugar produced to date, as compared with less than 35 per cent sold same date last year.

On January 17 I received a telegram from Mr. W. L. Petrikin, of the Great Western Sugar Co., Denver, Colo., as follows:

In conformity with your telegram to Nibley, dated January 16, regarding distribution of sugar to March 1, it is our intention to cooperate to full extent, and we will immediately arrange to distribute as early as possible the quantity reported on 12-cent seaboard basis.

On January 19 I directed a letter to Mr. Petrikin, in which I inserted a copy of my telegram of January 19 to the manager of the Utah-Idaho Sugar Co.

This is the full and true account of every action of mine in connection with the price at which sugar was to be sold. I read every telegram I received and every telegram I sent on this subject to Mr. Riley, of the Department of Justice, and every one of them met his approval.

From the Salt Lake City daily papers I learned that recently the Utah-Idaho Sugar Co. has advanced the price of beet sugar to the market price of sugar at New York and San Francisco, and the only reasons assigned for so doing that I am aware of are announced by the company in advertisements in the Salt Lake papers. Following is an extract from one of the advertisements received by me this day:

The business of this company is to manufacture and sell sugar. It has been in business for almost 30 years. Its commodity until the beginning of the war was always sold at the market price, based on sup-

ply and demand. Prices sometimes have been up and sometimes have been down. Many years have been lean years from a profit standpoint. Others have been profitable. The company's sales for the fiscal year ending February 28, 1920, amounted to 1,756,834 bags, on which it made a profit of \$1.02 per bag. There is not a fair price committee in the land that has named as low a price for the wholesaler or retailer. Even the Attorney General of the United States in his latest statement says that the retailer is entitled to a margin of \$2 per bag for handling sugar. From the standpoint of fair play, isn't the manufacturer of sugar entitled to as much profit as the middleman who distributes his goods?

The Utah-Idaho Sugar Co. has always been fair with the people of Utah. During the past six months it has sacrificed a lot of money in order to retain sufficient sugar for home consumption. Had it not done so, sugar to-day might have been selling in Utah at 30 to 32 cents wholesale and from 33 to 35 cents retail, as it is in scores of cities in the land. During the past year it has distributed in this intermountain country more than 600,000 bags of sugar, or nearly one-half of its entire production. In ordinary times it has never been able to sell in this market more than 15 per cent of its output, which demonstrates beyond question of cavil that in spite of all the Government's efforts thousands and thousands of bags of sugar have been picked up at the prevailing low price in Utah and shipped to eastern markets, where the manipulators have enjoyed a profit of from \$5 to \$10 per bag. Failure of the Government to prevent this sort of profiteering made the recent advance necessary in order to stop the drain on intermountain sugar supplies. Hence the advance in price to the prevailing eastern and western wholesale market. The Utah-Idaho Sugar Co. has been charged by the Department of Justice with profiteering, and yet this company has never exacted one penny more than the prevailing market price, which is and always has been established by New York, New Orleans, and San Francisco markets.

I am not defending the action of the company nor am I responsible in any way for the advanced price of sugar, nor am I complaining of the Federal Trade Commission making an investigation of the affairs of the company; but I do object to the program and object to the investigation as outlined in the following telegram to one George E. Sanders, an ordinary financial crook, so demonstrated in his swindling deal in promoting a paper sugar factory at Hamilton, Mont., from Attorney W. H. Beer, of the Federal Trade Commission, who has the investigation of the company in charge, and Sanders's answer to the same:

RIGBY, 13, 1920.

GEORGE SANDERS,  
Care of Dr. Snow, 60 First Avenue, Salt Lake City, Utah:

Expect to close; leaving here Saturday. What do you intend to do regarding Medford and Grants Pass proposed hearing? Wire me collect.

BEER,

Federal Trade Commissioner.

(Gov. rates, 23222 Fed. Trade Comm.)

SALT LAKE CITY, UTAH, May 13, 1920.

HENRY W. BEER,  
Special Counsel, Federal Trade Commission,  
Rigby, Idaho:

Do not know what to advise you about proposed hearing at Grants Pass. Think you ought to have about three weeks from now. One of your investigators should be there a week in advance lining up witnesses. Do not be in too big hurry to finish your case, as public sentiment is fast changing and almost entirely for Government prosecution. Sugar magnates anxious for you to get through. Palmer should keep you on job. If you keep a going for two months, it will cost SMOOT his Senate seat. Better kill some time with Washington authority. Ogden to-morrow.

G. E. SANDERS.

9059, May 14, 1920.

Mr. President, this is the program, and I shall wait and see whether it meets with the approval of the members of the Federal Trade Commission or has received the sanction of the Attorney General. It begins to look to me as if Gen. Richard W. Young knew what he was talking about when shortly before his death he informed me what he heard was to take place in connection with an investigation of the Utah-Idaho Sugar Co. Gen. Young was one of the leading Democrats, if not the leading Democrat, in my State. Shame upon officials of a department of the Government if they have lent themselves to such action! I think I know the people of Utah well enough to know that this sort of politics will never be countenanced, and if the officials of Washington are acting in this matter upon the advice of politicians of the State of Utah their action will not assist in any way in my defeat or their success.

Mr. THOMAS. Mr. President, I should like to ask the Senator a question before he takes his seat.

The Senator has referred to this man Sanders in somewhat emphatic terms. Will the Senator inform me whether his record is such that it should have been known to the authorities employing him for this work?

Mr. SMOOT. Why, Mr. President, I can not conceive that it would not be known. It is known by everybody in Utah. It is known by everybody who has suffered from his speculations. That is the most modest term by which I can characterize his activities.

Mr. THOMAS. Mr. President, it is to the interest of the public service that the Senator should have made this statement on the floor. While I am not in political sympathy with the Senator, I fully share his condemnation of the use of any public official agency either to promote or to prevent the reelection of any man in public life, if that has been done.



## JOINT POSTAL COMMISSION.

Mr. STERLING. Mr. President, I desire to call attention to and correct a statement made by the Senator from Tennessee [Mr. McKellar] on Saturday in regard to the work of the Joint Commission on Postal Salaries—a statement which I did not hear and of which I did not know until my attention was called on yesterday afternoon to the statement as found in the CONGRESSIONAL RECORD. I want to say, Mr. President, that the statement is misleading, to say the least, and in some respects quite contrary to the facts.

The Senator from Tennessee—and I regret that he is not present—begins his statement with the following announcement on page 7480 of the RECORD:

Mr. President, to-day the Joint Postal Commission completed its labors, and work has now begun in the preparation of a report and a bill.

That statement is prematurely made. The commission had not at the time the statement was made nor has it yet quite concluded its labors. There are at least two schedules of salaries yet to be finally passed upon by the commission. It is hoped, of course, that yet this week the commission may be able to make its report to both Houses of Congress, and that the report will be unanimous, but there are still some slight differences of opinion between members of the commission in regard to some of these salaries, especially the two schedules to which I refer, and no vote has yet been taken upon any schedule but that is open to reconsideration by the commission before the final report is made.

Mr. President, I have nothing to say in regard to what the steering committee should do in including the postal salary matter in its program, save that I can hardly see reason for the implied criticism of the committee by the Senator from Tennessee for not including in its program something that has not yet been reported to the Senate, especially when there is yet some uncertainty as to the time when the report will be made.

But, Mr. President, the Senator from Tennessee did not quite stop with the announcement that the commission is engaged in the preparation of a report and a bill. On page 7480, the Senator from Missouri [Mr. Spencer] asked the following question:

And do I understand from the Senator from Tennessee that the commission, of which he is a member, has not yet reported?

To which the Senator from Tennessee made the following response:

It has not yet reported, but its report is ready.

Mr. President, after the commission has concluded its work and agreed upon a schedule of salaries for the various classes of postal employees, it will require a few days, at least, of hard work, of most intensive work, to prepare such a report as should be submitted to the two Houses of Congress.

This is a matter of great importance and I call attention to it, Mr. President, in order that no unjust or improper inference may follow from the statement made by the Senator from Tennessee in regard to this report.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. STERLING. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask the Senator if it is the expectation of the commission that the report will be presented to Congress in time for action before the recess on June 5?

Mr. STERLING. I will say to the Senator from Wisconsin that it is the expectation and the strong hope that the report will be presented to the Senate and to the House during the present week. I want to say, further, that when presented I hope we may have the cooperation of the steering committee, as well as of the Senators generally, in the speedy consideration of the report.

Mr. THOMAS. Mr. President, the subject to which the Senator from South Dakota [Mr. Sterling] has just called the attention of the Senate justifies a reference to a nation-wide and apparently thoroughly organized and apparently effective propaganda now being conducted in favor of this proposed measure.

I presume mine is the common experience of every Senator. My mail is loaded to the guards with letters, telegrams, petitions, requests, and entreaties from all sorts and conditions of people—black, white, Jews, gentiles, Americans, foreigners, everybody—organizations, social and industrial, the constituents of the American Federation of Labor being particularly active in the campaign.

I present to the view of the Senate a full-page advertisement taken from yesterday's New York Times, and purporting to be reprinted from the May 27 issue of the Literary Digest, and am informed that similar editorials are appearing all over the country, which indicates that these gentlemen, so anxious for relief from Congress, must have large funds somehow, some-

where, in order to meet the enormous cost of this sort of advertisement.

These gentlemen may need, and greatly need, relief from the United States Treasury. The commission in all probability will ascertain that fact; but I am reaching a point where my interest is aroused by these continuing and repeated organized demands upon the Treasury of the United States, and I shall therefore demand a full consideration of the report of the committee report, in view of the matters to which I have just called attention.

Mr. LENROOT. Mr. President, just a word in reference to some observations made by the Senator from Colorado [Mr. Thomas], wherein he assumes that all of the letters we are receiving with reference to the increase of pay of postal employees are inspired propaganda upon the part of the postal employees. I am very certain that is not true, and if the Senator from Colorado should visit his own State, as I visited mine for a few days two or three weeks ago, I am very sure that he would find, as I found, that the great business and commercial interests, the heavy patrons of the Postal Service, are interested in this increase, not primarily as a matter of justice to post-office employees, but because they believe that the entire postal system, bad as it is now, will be utterly broken down through wholesale resignations from the service, and that the employees will seek more profitable employment elsewhere unless Congress very speedily takes action, giving them such recompense as will make it to their interest to remain in the service rather than to leave.

So, I am very sure that the hundreds of letters we are now receiving constantly from the business interests of the country, asking for action, are not inspired by the employees, but are inspired by the self-interest of the writers of the letters.

Mr. THOMAS. Mr. President, I am, of course, aware of the fact that many business interests are identifying themselves with this movement, and no doubt for the reasons, among others, which have just been stated by the Senator from Wisconsin; but of course they know, they must know, that increase of salaries has been a policy of the Congress for the last four or five years, which increases, instead of improving, have had little effect upon the efficiency of the service, for the very good reason that prices move upward out of proportion to these increases, thus leading to new demands; and such, in my judgment, will be the result of this increase if it shall be made.

I do not want the Senator to understand that I will oppose a favorable consideration of this measure. I do say, however, that in view of what seems to be an abnormal activity in behalf of it, we should give it full consideration before disposing of it.

I confess, Mr. President, that the service is not efficient at present. That is largely true of many other branches of the public service. But it will continue so until normal conditions are resumed all over the country. I can well understand—indeed, I applaud—the man in any branch of the public service who, having opportunity for private employment, wants to avail himself of it. I do not know of any greater misfortune that could overtake a friend or a relative of mine than his entry into permanent service for the Government. He may be able to make some slight advance in life; he may secure a promotion here or there; his compensation may be increased somewhat, perhaps materially, but he has placed himself in a rut; he has a certain routine of duty; he ceases to be self-reliant as the years pass; his energy and his enterprise are sapped by the dull and dry round of official life, and therefore many, perhaps a majority, of those who have spent half of their active lives in the public service, realize, and realize more fully than myself, because theirs is the experience, that the principal good fortune coming to a public employee is an opportunity to engage in the activities of private life. If I have any friends in the service—and I think I have quite a number—I would say to them that now is the opportunity to leave this dull, hidebound, chrysalis condition and expand themselves in private activities, for there, and there only, can their full ambitions have opportunity for realization.

SIGNAL CORPS SCHOOL—CAMP ALFRED VAIL, N. J. (S. DOC. NO. 278).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental estimate of appropriation in the sum of \$1,500,000 required by the War Department for beginning construction of the Signal Corps School at Camp Alfred Vail, N. J., being for the fiscal year 1921, which, with accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.



## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 3897) to amend section 16 of the act of Congress approved July 17, 1916, known as the Federal farm-loan act.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10378) to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GREENE of Massachusetts, Mr. EDMONDS, Mr. ROWE, Mr. HARDY of Texas, and Mr. LAZARO managers at the conference on the part of the House.

The message further announced that the House had passed the joint resolution (S. J. Res. 179) authorizing use of Army transports by teams, individuals, and their equipment representing the United States in Olympic games and international competitions, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 13500) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendments to the bill (S. 2789) for the consolidation of forest lands in the Sierra National Forest, Calif., and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. TAYLOR of Colorado managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, further insists on its disagreement to the amendment of the Senate numbered 93 to the bill; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, and Mr. LEE of Georgia managers at the further conference on the part of the House.

## UNITED STATES PILGRIM TERCENTENARY COMMISSION.

The VICE PRESIDENT. By the enactment of a joint resolution of the Congress of the United States authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass., there has been created what is known as a commission to be known as the United States Pilgrim Tercentenary Commission, and the President of the Senate is, by the terms of said joint resolution, authorized to appoint four Senators as members of that commission.

In accordance with the authority thus vested in me, I appoint as members of the said commission the senior Senator from Massachusetts [Mr. LODGE], the junior Senator from Massachusetts [Mr. WALSH], the Senator from Ohio [Mr. HARDING], and the Senator from Alabama [Mr. UNDERWOOD].

## PETITIONS AND MEMORIALS.

Mr. LODGE. I present an order adopted by the House of Representatives of the Commonwealth of the State of Massachusetts relative to the official recognition of the powers of the right of the Jewish people to a national existence in Palestine, which I ask to have printed in the RECORD.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

## THE COMMONWEALTH OF MASSACHUSETTS, 1920.

An order relative to the official recognition by the powers of the right of the Jewish people to a national existence in Palestine.

Ordered, That the Massachusetts House of Representatives greets with profound satisfaction the official recognition by the powers of the right of the Jewish people to a national existence in Palestine, and that it deeply rejoices to see the national liberation of the children of Israel, who will once more shed luster on our civilization; that it hails the Jewish national restoration to the ancestral soil as a triumph of justice for which all mankind should be grateful; that it urges the Government of the United States of America to use its best endeavors to facilitate the speedy development of Palestine into a Jewish national homeland, for only on its own soil can the Jewish people live its own life and make, as it has made in the past, its characteristic and specific contribution to the spiritual treasure of humanity; and be it further

Ordered, That copies of this order be forwarded by the secretary of the Commonwealth to the President of the United States, to the Senators and Representatives in Congress from this Commonwealth, and to the Zionist organization of America.

In the house of representatives, adopted May 5, 1920.

A true copy. Attest:

ALBERT P. LANGTRY,  
Secretary of the Commonwealth.

Mr. LODGE presented resolutions adopted by the American Women's Emergency Committee of New York City, N. Y., favoring the reestablishment of trade relations with Russia, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented a petition of Local Union No. 470, International Brotherhood of Boilermakers and Iron Ship Builders, of Marysville, Kans., praying for the parole of Federal prisoners, which was referred to the Committee on the Judiciary.

He also presented a petition of Lamoreux Local Union, No. 1961, Farmers' Educational Cooperative Society, of Stafford County, Kans., praying for the enactment of legislation to reimburse farmers for losses sustained when the Government fixed the price of wheat, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Gleaners Class of the Meadow Brook Church of the Brethren, of Westminster, Md., and a petition of sundry citizens of Glendale, Ariz., praying for the enactment of legislation providing for physical education, which were referred to the Committee on Education and Labor.

Mr. PHELAN presented a memorial of the Los Angeles Audubon Society of California, remonstrating against the enactment of legislation authorizing the granting of certain irrigation easements in the Yellow Stone National Park, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. ROBINSON presented sundry papers to accompany the bill (S. 4414) granting a pension to Georgia E. McKimney, which were referred to the Committee on Pensions.

## REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 1255) authorizing the Texas Co. to bring suit against the United States, reported it without amendment.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4400) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended (Rept. No. 631); and

A bill (S. 4310) to amend an act entitled "The New Mexico enabling act" (Rept. No. 630).

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 3031) to appropriate \$1,189.35 for the relief of Southern Iron & Metal Co., Jacksonville, Fla., for salvage material consisting of submarine cable purchased from the War Department, reported it without amendment and submitted a report (No. 625) thereon.

## ROCK RIVER BRIDGE.

Mr. EDGE. From the Committee on Commerce I report back favorably without amendment the bill (S. 4431) authorizing the construction of a bridge across the Rock River in Lee County, Ill., at or near the city of Dixon, in said county, and I submit a report (No. 629) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Illinois Central Railroad Co., a corporation organized under the laws of the State of Illinois, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rock River at a point suitable to the interests of navigation, at or near the city of Dixon, in Lee County, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## CHATTAHOOCHEE RIVER BRIDGES.

Mr. EDGE. From the Committee on Commerce I report back favorably without amendment the bill (S. 4427) granting the consent of Congress to the city of Columbus, in the State of Georgia, to construct a bridge across the Chattahoochee River, and I submit a report (No. 628) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the city of Columbus, in the State of Georgia, and its successors and assigns, to construct or rebuild, maintain, and operate a bridge and approaches thereto across the Chattahoochee River at a point suitable to the interests of navigation at or near and between and connecting Fourteenth Street, in said city of Columbus, in the county of Muscogee, in said State of Georgia, and Broad Street, in the town of Phoenix, in the county of Lee and State of Alabama, and the town of Girard, in the county of Russell and State of Alabama, and being the same points between which said city of Columbus, Ga., now maintains a bridge, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. EDGE. From the Committee on Commerce I report back favorably with amendments the bill (S. 4402) granting the consent of Congress to Troup County, Ga., to construct a bridge across the Chattahoochee River near West Point, Ga., and I submit a report (No. 626) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The amendments were, on page 1, line 3, to strike out the words "consent of Congress" and insert the word "authority," in line 4 to strike out "and Chambers County, Ala.," and, in lines 7, 8, and 9, to strike out the words "the cities of West Point, Ga., and Lanett, Ala., on the boundary line between Georgia and Alabama," and insert "and between and connecting Montgomery and Perry Streets in the city of West Point, in the county of Troup, in the State of Georgia, so as to make the bill read:

*Be it enacted, etc.*, That the authority is hereby granted to Troup County, Ga., to construct, maintain, and operate a bridge and approaches thereto across the Chattahoochee River at a point suitable to the interests of navigation, at or near and between and connecting Montgomery and Perry Streets, in the city of West Point, in the county of Troup, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing Troup County, Ga., to construct a bridge across the Chattahoochee River near West Point, Ga."

#### BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. EDGE. From the Committee on Commerce I report back favorably without amendment the bill (S. 4411) granting the consent of Congress to the counties of Pembina, N. Dak., and Kittson, Minn., to construct a bridge across the Red River of the North at or near the city of Pembina, N. Dak., and I submit a report (No. 627) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the counties of Pembina, N. Dak., and Kittson, Minn., to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North at a point suitable to the interests of navigation at or near the city of Pembina, N. Dak., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KING:

A bill (S. 4437) for the relief of Max B. Baldenburg; to the Committee on Military Affairs.

A bill (S. 4438) for the relief of Fred A. Davey; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 4439) to regulate the sale of bonds, stocks, and other evidences of interest in or indebtedness of corporations or associations in interstate commerce, and to amend an act

approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes"; to the Committee on Interstate Commerce.

By Mr. CURTIS:

A joint resolution (S. J. Res. 203) authorizing the Secretary of War, in his discretion, to turn over to the county commissioners of Dickinson County, Kans., a suitable amount of pontoon equipment for temporary use across the Smoky Hill River, at Chapman, Kans.; to the Committee on Military Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. HENDERSON submitted an amendment providing for the construction of drainage facilities in connection with the Newlands reclamation project in the State of Nevada, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

Mr. CAPPER submitted an amendment authorizing the widow of an officer or enlisted man of the Army, Navy, and Training Corps, while she remained unmarried, to purchase for cash for her personal use Government subsistence stores at the price charged officers and enlisted men, etc., intended to be proposed by him to the Army appropriation bill, which was ordered to lie on the table and be printed.

#### GOVERNMENT OF ITALY.

Mr. KING. I offer a resolution which I ask may be read, and I shall ask for its adoption unless there is objection to it.

The resolution (S. Res. 372) was read, as follows:

Whereas upon the 24th day of May, 1915, Italy declared war upon Austria-Hungary for the redemption of her people who had for centuries been under the Austrian yoke; and

Whereas the armies of Italy with unexampled fortitude and sacrifice, and in the face of unparalleled obstacles, battled heroically and persistently throughout the war, and upon the 24th day of October, 1918, initiated the gigantic offensive which expelled the vanquished armies of the enemy from Italian soil, caused the collapse of the Austro-Hungarian Empire, and was the prelude to the victories of the French, Belgian, British, and American forces in France and Flanders, which ended in the armistice of November 11, 1918; and

Whereas the unshakable faith, tenacious valor, and heroic courage of Italy were vital factors in the war, and through the intense sufferings and privations of Italy, liberty has come not only to the Italians of Trent and Istria, but also to the Czecho-Slavs and Jugo-Slavs, formerly subject to the alien rule of Austria-Hungary: Now, therefore, be it

*Resolved*, That the Senate, on this fifth anniversary of the entrance of Italy into the war, felicitates the Government and people of Italy upon the splendid accomplishments of Italy for the defense of civilization and the liberation of subject peoples, congratulates Italy upon the reintegration of her ancient national territories and the complete national unity of the Italian people, and extends its good will for the continued prosperity and glory of Italy in the community of the free nations of the world.

Mr. BORAH. Mr. President—

Mr. KING. If there is to be objection to the resolution, let it be referred to the Committee on Foreign Relations.

Mr. BORAH. I do not see why it should not be adopted.

Mr. KING. Very well; I ask for its adoption at this time.

The resolution was considered by unanimous consent and agreed to.

#### ACTIVITIES AND ACCOMPLISHMENTS OF WAR DEPARTMENT.

Mr. THOMAS. Mr. President, on Thursday next, at the close of the routine morning business, I shall address the Senate upon the subject of the activities and accomplishments of the War Department during the war.

#### OLYMPIC GAMES.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 179) authorizing use of Army transports by teams, individuals, and their equipment representing the United States in Olympic games and international competitions, which was to strike out all after the resolving clause and insert:

That authority be, and is hereby, given to the Secretary of War, under such rules and regulations as he may prescribe, to use such Army transports as may be available for the transportation of teams, individuals, and their equipment representing the United States in Olympic games and other international competitions during the present year.

Mr. WADSWORTH. Mr. President, the language adopted by the House as a substitute and the language used by the Senate is so nearly alike that there is no objection at all to it. I therefore move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### HOUSE BILL REFERRED.

H. R. 13500. An act to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission, and for other purposes, was read twice by its title and referred to the Committee on Pacific Islands, Porto Rico, and the Virgin Islands.



## THE BONUS IN POLITICS.

Mr. THOMAS. Mr. President, I desire to read into the Record a very timely and pertinent editorial from yesterday's Washington Post, entitled "The bonus in politics."

"If the Republicans of the House of Representatives were actually moving to impose an additional tax of \$1,276,500,000 on the people at this time for the purpose of giving a bonus to soldiers and sailors, the move could not be ascribed to anything but madness. But as the House Republicans know very well that no such tax will be imposed, their proposal to impose it may be set down for what it really is—a hypocritical and disreputable attempt to hoodwink the soldier boys for purposes of political advantage in the forthcoming campaign.

"The House Republicans are trying to make it appear that they favor the imposition of another billion-dollar tax upon the people; that the soldier and sailor boys must have this bonus; that the Democrats are opposing the plan, and the Democratic President is intent upon vetoing the bill, and therefore that the Republican Party is the only friend of the soldiers and sailors. Hence, if the soldiers and sailors have any gratitude they will be expected to vote the Republican ticket from President to dog catcher.

"The Republicans of the House would not pass the bonus bill if they knew it would pass the Senate and be approved by the President, for they know that the people would relegate all of them to private life for incompetence in swelling the public debt at a time when the public back is bending under an excessive load. The House Republicans rely upon the Senate and the President to block the bill. Thus these 'statesmen' hope to fool the soldiers and sailors and yet avoid the wrath of the taxpayers.

"Such is the quality of statesmanship exhibited by the majority of the once great Committee on Ways and Means and seemingly approved by the Republican majority of the House.

"No more humiliating spectacle has ever been witnessed in the Capitol than that which will occur this week if a majority of the House shall vote in favor of the bonus bill. The proposal is so offensive to decency, when stripped of its hypocrisy, that no individual Member of the House would dare to champion it in the presence of self-respecting soldiers and sailors of the recent war. It is an indictment of the good faith of its supporters, and the roll call will be used against them, individually, by their rivals in their districts. These rivals will not fail to tell the people how their Congressmen voted for an additional tax of \$1,276,500,000. They will fully explain to all soldiers and sailors how the vote was cast in the knowledge that the bill could not pass—that it was, bluntly speaking, a swindle disguised as a bribe, intended to deceive them into voting the Republican ticket. How can any Congressman voting for this bill successfully cope with a rival who thrusts these deadly facts into the campaign?

"The Congressmen engineering this fraudulent measure confidently count upon the ignorance of the soldiers and sailors. They seem to regard these young men as too simple to understand the intricacy of the scheme that has been hatched. They expect to convince the fighting men that a Democratic minority in Congress, or the Democratic President, as the case may be, blocked the bonus which a grateful Republican Party was anxious to give them. But the soldiers and sailors will not be misled. The truth will be conveyed to them before the bill is voted down in the Senate or vetoed by the President.

"Should the House pass this bill, a storm of protest will arise from the taxpayers. They will speedily rip off all the pretense that now covers the proposal. The Senate debate, if held before the recess, will expose the hypocritical action of the House majority and will place before the two great elements concerned—taxpayers and fighters—the full truth. Thus the Congressmen who vote for the bill will be impaled upon one horn or the other.

"In the meantime it behooves the soldiers and sailors to understand clearly what is being attempted in the name of patriotism and gratitude. The protests which are coming in from former soldiers and sailors reveal that many of them detect the unwisdom of imposing extra taxation upon the people for the purpose of giving the fighters a bonus. Everyone knows that a tax is not only collected from the consumer, but is usually made the excuse for an extra charge. The bonus would amount to \$1,276,500,000, which is staggering enough in itself; but by the time the consumers paid the tax it would have grown to \$2,000,000,000 or more. The fighters and their relatives would pay this tax and its profiteering trailer. All patriotic families have Liberty bonds, and the value of these bonds would depreciate if they were dumped upon the market, as they would be if taxpayers were squeezed by a bonus bill. Thus the fighters' families would be doubly out of pocket.

"But there is no danger of committing the folly of enacting the bonus bill. Congress is about to adjourn. The campaign will be on. Business conditions are changing. Extra taxes must be laid to carry on the Government. The people will know more about the Government than they know now. If the House, before adjourning, should pass the bonus bill, its action will have become a hissing and a byword before the Senate, next winter, will be called upon to discuss it."

This editorial, Mr. President, indulges in very plain and, I think, truthful expression. I do not think it goes far enough, however, because I believe that many of the members of my own party are quite as much concerned for political reasons in preparing and enacting this measure as are the Republicans. But if it be true, and I do not question it, that, as here stated, the Republicans of the House would not pass a bonus bill if they knew it would pass the Senate and be approved by the President, then I feel justified, both for the purpose of relieving those gentlemen of the apprehensions they are said to entertain, and to assure them that they can accomplish their desire by accepting my statement, that four of us on this side of the Senate propose, if the bill comes from the House, to oppose it to the best of our ability. If any political advantage can be drawn from this statement, I am perfectly willing to add that every one of us is a Democrat. Whether there be others, I do not know.

We are pressed for time, and only for that reason do I make the statement, for, assuming the correctness of this editorial that the sole basis for the proposed legislation is politics, if its sponsors can be assured that their end can be reached without indulging in so much useless work, it will be mutually beneficial to declare it.

## THE MEAT-PACKING INDUSTRY.

Mr. SHERMAN. I ask unanimous consent to read into the Record a statement by the Institute of American Meat Packers.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. SHERMAN. It reads:

In reference to that part of Senator WALSH's speech in the United States Senate yesterday—

Referring to the day after the delivery of the speech—which referred to the packing industry, the Institute of American Meat Packers to-day issued the following statement:

"Senator WALSH evidently has been misled by the old charges of the Federal Trade Commission, which has been disproved in detail. What the consumer wishes to know is, How much profit does the manufacturer receive when he sells a pound or a dollar's worth of product? In the case of the packers the answer is that the average profit is a fraction of a cent a pound or less than 2 cents on a dollar's worth of product. This is doubtless the smallest rate of profit received by any industry in the world.

"The packers' profit in 1919 cost the average American family only about 5 cents a week. These facts often have been cited publicly and they never have been denied. No amount of prejudice and erroneous accounting calculations will obscure them. Moreover, the consumer is not unaware that according to the United States Bureau of Labor Statistics, meat has decreased substantially in price since last spring, while most commodities have continued on their upward trend. The consumer is beginning to realize that the campaign of abuse and misrepresentation which has been directed at packing companies has damaged the industry, thereby affecting the interest of public adversely and working serious injury to live-stock producers. No industry can serve the public with its maximum efficiency when constantly harassed by deliberate organized vilification. All the packing industry asks is to be judged on the facts, and it is now high time for the facts to rule.

"It has been demonstrated time and time again on the basis of Government figures that the profits of packing companies play only a negligible part in meat prices—a fraction of a cent a pound. The United States census figures show that in the packing industry the cost of raw materials constitutes 87.2 per cent of the value of finished products. The packing industry has given the consumer and the Government a square deal. On that account it now deserves to be considered on its merits and not as a convenient political target."

## THE SUGAR SITUATION.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed a letter written by the junior Senator from Oregon [Mr. McNARY] to a constituent of his on the sugar situation. I will not ask to have it read, but merely printed in the Record.

Mr. SMOOT. I understand it is a communication from the Senator from Oregon.

Mr. CURTIS. Yes; from the Senator.

There being no objection, the communication was ordered to be printed in the Record, as follows:

LETTER OF UNITED STATES SENATOR CHARLES L. McNARY WRITTEN APRIL 26 TO AN OREGON CONSTITUENT.

"In the summer of 1918 the United States Sugar Equalization Board was incorporated under the laws of the State of Delaware, the stock being entirely held by the President as trustee for the American people. This corporation was based upon the food-control bill passed by the Congress in 1917.

"This board, following its organization, entered into contract with the Cuban sugar board, through the instrumentality of the Cuban Government, and acquired Cuban raw sugar at the price

of 4½ cents a pound at northern ports and 4 cents a pound at southern ports. The sugar was then transported to the United States where it was refined.

"The Sugar Equalization Board entered into agreement with the refiners for a charge of \$1.54 per hundred pounds for refining, so that the sugar was sold by the refiner at 9 cents per pound less 2 per cent for cash. This brought refined sugar to the home of the consumer at from about 10 cents to 10½ cents per pound.

"This arrangement worked satisfactorily. In fact, at the hearings held by the subcommittee, of which I was chairman, no complaint was made by producers, refiners, or distributors to this plan.

#### "PRESIDENT REFUSED TO ACT.

"In the summer of 1919 the Sugar Equalization Board petitioned the President to again acquire the Cuban crop of sugar. He refused to act. In the early fall they again renewed their petition to the President to buy this sugar at a price not agreed upon but thought to be about 5½ cents, a rate in increase of 1 cent above the 1918-19 price.

"Again the President refused to take any action. Therefore a resolution was introduced in Congress setting forth the President's position and anticipating the condition which now exists—namely, conscienceless prices.

"The Agriculture Committee was asked to look into the matter. I was chairman of the subcommittee. I held hearings. Later I framed a bill authorizing the President to buy the crop and to license refiners and dealers in sugar. Again he refused to act, and a statement to that effect was issued from the White House. This is the history of the transaction.

"Now I shall present the consequences. The Attorney General, acting, in my opinion, without authority of the law, told Louisiana refiners of cane sugar that they might charge 18 cents for their product and it would not be considered profiteering.

"Naturally the Cubans, realizing that the price of 18 cents had been placed on the product here, began to raise the price for their product until the last information I have had from the President of the Cuban Republic is that Cuban raw sugar is being sold for 14 cents a pound in Cuba, whereas we bought it for 4½ cents last year.

"Not only that, but as stated and stated by me on the floor of the Senate, foreign nations have entered the Cuban market and from statistics supplied me by the Cuban people they have taken almost one-third of the crop.

#### BIG PROFITS FROM SUGAR.

"The refiner is charging more for refining than he did last year by practically 100 per cent. I suppose the broker and retailer are taking a big profit, until now sugar is being sold from a wide spread of from 20 to 30 cents per pound. Our beet-sugar crop does not come in until October, and I am afraid during the canning season that sugar will go up higher.

"I do not know what Congress can do. The President has the old food-control bill which he can act under, and which he did in 1918. He has what is called the McNary bill, passed in 1919, again reciting his power, giving him power to purchase, and power to license, and power to control, and power to set prices, but he does not act. I have given up a tremendous lot of time in the hope that something might be done, and worked days to get the bill through Congress, only to have it overthrown by a stubborn and short-sighted Executive.

"More money has been wasted by reason of the excessive price on sugar for this year than it cost to run the Government before the war, and that was in excess of \$1,000,000,000."

#### RECLASSIFICATION OF SALARIES.

Mr. JONES of New Mexico. Mr. President, I have listened with a good deal of interest to the discussion which has been going on here with regard to the postal employees. I am hopeful that in the near future something may be done to readjust the salaries of those servants of the people. I am inclined to believe that something will be done regarding the postal employees, and I sincerely hope so. One reason for my hope is that those employees as a rule vote, and there is an election coming on, and that may be some spur to activity in regard to them. I hope it will prove such a spur.

I wish, however, to call attention to another class of employees who generally do not vote, and see if I can not in some way arouse some interest in their behalf.

On the 12th of March the Joint Commission on the Reclassification of Salaries of Federal Employees in the District of Columbia made its report and at the same time reported a bill for the purpose of putting its work into operation. There is no question that the Federal employees in the District of Columbia are unfairly treated. There is no question that the service of

the Government in the District is suffering because of this unfair treatment. Hundreds and thousands of these employees are leaving the service because they can not support themselves on the meager salaries which they are receiving. The result of it is that these active, progressive employees who can find employment elsewhere are seeking it and the Government service is suffering accordingly.

This is a matter of prime importance. The commission has made its report. It reported a bill at the same time and, so far as I am advised, neither has received the slightest consideration.

I desire to state also that there are other thousands of employees throughout the country to whose interest no attention is being paid by anyone connected with Congress, so far as I know. The Joint Commission on the Reclassification of Salaries of Federal Employees in the District of Columbia related only to those employees and the other commission related only to postal employees throughout the country, but there are the other thousands from whom I am receiving letters from all sections of the country who are pleading that something may be done for their relief. I think there is not a Senator here who does not believe that they are justly entitled to some relief, and I trust while this matter is being brought to the attention of the Senate something may be done regarding the postal employees, something with respect to Federal employees in the District of Columbia, and that we may then take up this other great army of employees who demand, and justly demand, relief. They are not making an assault upon the Treasury of the United States, but they are simply asking for justice, that they may serve their country faithfully and efficiently.

Mr. PHELAN. May I ask the Senator from New Mexico if the report of the commission has been filed?

Mr. JONES of New Mexico. The commission's report was filed on the 12th of March. It also presented a bill at the same time, which the commission hoped might be acted upon by Congress; and it reported a scheme of reclassification and readjustment of salaries that it was hoped might be put into operation.

Mr. PHELAN. That is in relation to the postal employees?

Mr. JONES of New Mexico. It relates to the Federal employees in the District of Columbia.

Mr. PHELAN. Not the postal employees?

Mr. JONES of New Mexico. Not the postal employees. There has been considerable discussion this morning regarding the postal employees, and the hope has been expressed that something will be done regarding them before the close of this session of Congress.

Mr. PHELAN. The Senator from Colorado [Mr. THOMAS] made the remarkable observation that the Federal Government is suffering by reason of the fact that the Federal service is no longer attractive to energetic and active men, and that he would advise those now in the service, since there is an opportunity to find employment elsewhere, to leave the service.

Mr. THOMAS. Mr. President, I think the Senator unintentionally misquotes me. I did not say the Government was no longer responsive to the needs of the public service. I think the Government is as responsive now as it ever was. What I said was that the average man and woman is better off in private life than in public service.

Mr. PHELAN. I understood the Senator to say that he would advise his friends in the service to abandon it for these reasons.

Mr. THOMAS. Yes; every man and woman who writes me asking my advice gets that reply. I think they owe it to themselves, especially if they have initiative, to develop it in private life because it is difficult to do so in the public service.

Mr. PHELAN. I am sure the Senator has no serious intention of trying to break down the Federal service.

Mr. THOMAS. Certainly not. There is always an army of applicants ready for the places which become vacant.

Mr. PHELAN. If the Senator seeks to obtain good service for the Federal Government, one of the means by which the service could be improved would be by making it more attractive and increasing the pay, for instance, of deserving employees of the Post Office Department.

Mr. THOMAS. What advance would the Senator suggest?

Mr. PHELAN. I have been waiting for the report of the commission, not desiring to anticipate it; but I know, and the Senator knows, that the service is demoralized, because men are seeking and accepting employment elsewhere.

Mr. THOMAS. The Senator knows, too, that the advance will only be to meet the high cost of living, and will remain at about that level. Does the Senator think that an improvement which would prove attractive to the ordinary man or woman endowed with ordinary American initiative?



Mr. PHELAN. Whereas there is great call for men in all branches of work, I suppose those who are attached to the service of the Post Office Department would like to remain if the conditions of life were made tolerable for them by the Federal Government.

Mr. SMITH of Georgia. Following the thought suggested by the Senator, is it not undoubtedly true that a large number of these men are hunting for other work and are wanting to get out because they simply can not live on the present pay, the Government pay now being below the pay for similar work in private life?

Mr. PHELAN. That is true, Mr. President.

Mr. SMITH of Georgia. I have just returned from my own home and I find that the same kind of work, work requiring the same capacity, is receiving in private occupations 50 per cent more than these people are getting.

Mr. PHELAN. Mr. President, I should like to put myself in the position of one in common with my colleagues who are seeking a means and a method by which we can keep these people in the Government service. We are charged with the duty of making employment sufficiently attractive to hold experienced men in the service. So it is more than a question of meeting the high cost of living. That is a temporary matter. We can reach that by a bonus, perhaps; but the Federal Government does not adequately compensate its employees in both the high positions and the low positions. A commission should seriously consider readjusting salaries.

During the war many were attracted to the service of the Government for patriotic reasons. Now, when there is no great emergency which calls upon them to sacrifice their private interests, we should be able to hold in the Shipping Board, for instance, and in the great departments men capable and experienced. The whole service has deteriorated since the war, which during the war showed great efficiency.

The postal employees, I know of my own knowledge, are inadequately compensated. I consider that they are the connecting link between the manufacturer and the customer, between the producer and the consumer. It is an agency of the highest value to the people, and I think the administration will stand the highest in history—as the most efficient—which carefully maintains its Postal Service as among its most useful activities.

We have just provided for speed by making an appropriation of \$1,400,000 for conveying letters across the country by airplane. We must not in this age of speed forget the necessary work of distribution in the great cities by carriers, and maintain a standard of adequate pay and living conditions just and fair to the rank and file alike.

#### EUROPEAN FOOD CONDITIONS.

The VICE PRESIDENT. Is there further morning business?

Mr. BORAH. Mr. President, I will occupy the attention of the Senate for a moment if I may be permitted to do so.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. BORAH. A few days ago I called attention to a statement of one of our leading financiers, who is advising the Congress to appropriate \$500,000,000 with which to do charity work in Europe. I was of the opinion then that the necessity for such an appropriation was greatly exaggerated, to say nothing of the constitutional difficulties. Since that time I have received a letter from the president of the Baldwin Locomotive Works, of Philadelphia, Mr. Samuel M. Vauclain, who has just returned from a 10 or 12 weeks' trip in Europe, during which he traveled throughout central Europe, visiting most of the countries which were most directly affected by the recent war. In this letter he says:

I have just returned from an extensive tour of this district and take pleasure in sending you a printed copy of a confidential letter in connection therewith which I sent to my works.

I am opposed to appropriating any more money for relief purposes and am in favor of removal from Europe of all our various representatives excepting those which of necessity must remain for military or governmental purposes.

The manufacturers of the United States should be placed in a position that will enable them to extend credit for a period of years to the various industries of central and southeastern Europe to assist these wonderful peoples by their own effort and industry to rehabilitate their countries and assume their rightful places among nations.

In an interview which he gave to the Public Ledger, of Philadelphia, upon his return home, he said:

"Prices on all foodstuffs will come down after a while," said Mr. Vauclain. "Wages will have to come down, too. Wheat prices will come down fast when grain can be imported from Europe. When the seven or eight years' crop that is being stored in Siberia can be exported the effect on the prices here will be something awful. Wheat, I think, will be one of the first things to drop in price."

"Crop conditions are wonderful all over Europe. In Serbia I saw some of the most beautiful fields of grain and herds of cattle that I have ever seen in my life. The outlook for good crops is excellent in every country in Europe."

The political aspect in Poland, according to Mr. Vauclain, is excellent. In his opinion it will be only a matter of a few years when that country will have paid its debts to the outside world.

The sugar shortage, judging from Mr. Vauclain's remarks, is confined almost solely to the United States. In every European country, except England, he said, sugar is plentiful.

Mr. Vauclain did not visit Russia on account of "diplomatic reasons." From what he could learn, however, he does not believe that the conditions in that country are as black as they are painted, and is confident that Russia will recover its stability soon.

Since receiving that letter I have had the pleasure of an interview with Mr. Vauclain, and it is exhilarating to talk with a man who sees Europe as it really is, who has been on the ground and actually observed, and is faithfully reporting, in my judgment, the conditions that there obtain. I repeat what I said the other day, that what we need is to restore business relations as rapidly as practicable with all of the countries of Europe.

There is a plentiful food supply in Europe. There is, of course, a breakdown in their transportation system, which prevents the distribution of the food supply as effectually as desired, and as it ought to be had; but, outside of that, the conditions in Europe are by no means so bad as they have been supposed to be.

Dr. Alonzo Engelbert Taylor, of the University of Pennsylvania, upon May 16 said:

Americans are largely wasting their sympathy when they talk of destitute, hungry women and children in Europe. There are not any. We might save our sympathy for America, where the food situation is not much better than abroad. Either Americans are becoming hysterical in their desire to aid everyone or else the people here are being imposed upon.

Europe is producing more foodstuffs to-day than ever before in its history. There is an abundance of food on hand to last until October, when, according to the present outlook, food will be more plentiful there than in America.

I have no doubt, Mr. President, that there are places in Europe where there is a lack of a proper supply of food; in the districts where contention and strife are still going on and in those districts which it is difficult to reach by transportation, I have no doubt there is a want of food; but the conditions which have been presented to the Senate by some of those who feel so desirous of appropriating money for the purpose of taking care of the situation, in my judgment, do not exist. If we can restore our business relations and connect up the commercial lines between those countries and the United States, there will be no necessity for our appropriating \$500,000,000 to be used for charitable purposes. Mr. Vauclain told me of an interview which he had with the Queen of Roumania, which I do not feel entirely at liberty to repeat, but it would seem that the people of Europe who are responsible as its rulers and governors are not asking for charity. They are asking for a restoration of business relations and for a certain amount of confidence until they can demonstrate their capacity to take care of themselves.

#### HIGH PRICES AND CONCENTRATION OF WEALTH.

Mr. WALSH of Massachusetts. I move that the Senate proceed to the consideration of Senate resolution 366. I do not think there is any opposition to it, and it certainly should not take a very long time to act upon it.

The VICE PRESIDENT. The Chair will state that the resolution is one coming over from a preceding day, and the Senator from Massachusetts is entitled to have it taken up under the rule.

Mr. SMOOT. I ask that the resolution be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 366) submitted by Mr. WALSH of Massachusetts, on the 18th instant, as follows:

Resolved, That the President of the Senate is hereby authorized and directed to appoint a select committee of five Senators, three from the majority and two from the minority, to investigate and report to the Senate the relation between high prices for necessities and the concentration of wealth, and for this purpose the President is hereby requested to permit such committee to inspect the tax returns of any corporation, association, or partnership in accordance with section 257 of the revenue act of 1913.

Mr. SMOOT. Mr. President, it seems to me that if the proposed investigation for which the resolution provides is to amount to anything, of necessity it would call for the expenditure of some money; and if that is the case the resolution would have to go to the Committee to Audit and Control the Contingent Expenses of the Senate under the law before it could be acted upon by the Senate. Does the Senator have any objection to having the resolution referred to that committee?

Mr. WALSH of Massachusetts. Certainly not; because I can well appreciate that any investigation would be useless if money were not furnished with which to conduct it.

Mr. SMOOT. The law itself, not the rule of the Senate, requires wherever there is to be an expenditure of money from the

contingent fund of the Senate that the resolution calling for such expenditure shall go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WALSH of Massachusetts. May I urge upon the chairman of the committee to give the matter as early attention as possible?

Mr. SMOOT. I am a member of the committee, and I shall call it to the attention of the Chairman.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### THE CALENDAR.

The VICE PRESIDENT. Morning business is closed.

Mr. JONES of Washington. I ask unanimous consent that the call of the calendar may be dispensed with. I will say that I make the request in order that the conference report on the water-power bill may be considered.

Mr. PHELAN. I object.

The VICE PRESIDENT. Objection is made. The calendar under Rule VIII is in order.

Mr. PHELAN. My objection arises from the fact that, the session being limited, we will not reach the bills on the calendar if we abandon the morning hour on Monday, which is set aside for their consideration.

#### RESTORATION OF PEACE WITH GERMANY.

The VICE PRESIDENT. The Secretary will state the first business on the calendar.

The resolution (S. Res. 76) defining a peace treaty which shall insure to the people of the United States the attainment of the ends for which they entered the war, and declaring the policy of our Government to meet fully obligations to ourselves and to the world, was announced as first in order.

Mr. SMOOT. I ask unanimous consent that the resolution be transferred on the calendar from Rule VIII to Rule IX.

The VICE PRESIDENT. Is there any objection?

Mr. BRANDEGEE. Mr. President, before that is done I desire to say that I am not sure about the wishes of the Senator from Pennsylvania [Mr. KNOX] in regard to the resolution, whether he might want to call it up and possibly offer amendments to it in case his other resolution shall meet with an Executive veto. I should rather have him on the floor when the request is made.

Mr. SMOOT. Then I withdraw the request. I thought that the so-called Knox resolution having passed the Senate there was no real necessity for having Senate resolution 76 remain on the calendar under Rule VIII.

Mr. BRANDEGEE. If this were the same resolution, there would not be any such necessity, but the Senator from Pennsylvania introduced several resolutions on the same subject, and the Senator from Utah will remember that the one which was passed was amended in the committee, and I am not sure of the identity of the resolution.

Mr. SMOOT. Then I withdraw my request, and merely ask that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

#### BUSINESS PASSED OVER.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### STEAMER "MAYFLOWER."

The bill (S. 1223) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.

Mr. WALSH of Massachusetts. Mr. President, this bill is similar to other bills which have already been passed. It is permissive only, and merely allows the parties interested to file claim for damages in the United States district court.

Mr. SMOOT. It does not make a direct appropriation?

Mr. WALSH of Massachusetts. It does not, I will say to the Senator, but is only permissive. Several bills of a similar character have been passed, but for some reason this one has been held up.

Mr. SMOOT. Then I will not object.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The Chair will call the attention of the Senator from Massachusetts to the fact that the bill provides that if there shall be a decree finding the sum due, the money is appropriated by the bill to pay it.

Mr. SMOOT. Then, of course, the Senator from Massachusetts must either allow that provision to be stricken from the bill or else let the bill go over. I will say to the Senator from Massachusetts that in the case of all the bills of a similar character which have been passed the provision for an appropriation to meet whatever judgment might be obtained has been stricken out, and it must be stricken out of this bill if it is to pass.

Mr. WALSH of Massachusetts. I see no objection to that provision being stricken out, and I move an amendment to that effect.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. In section 1, page 2, after line 10, it is proposed to strike out "Provided further, That should damages be found to be due from the United States to the owner of said steamer *Mayflower* and her passengers, or any or either of them, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated," and, on the same page, on line 16, after the word "Provided," to insert the word "further," so as to make the section read:

That the claim of the owner of the steamer *Mayflower* and the claims of the passengers on board said steamer arising out of a collision between said steamer and the U. S. submarine *L-10* in President Roads, Boston Harbor, on the 11th day of August, 1917, for and on account of the losses alleged to have been suffered in said collision by the owner of said steamer *Mayflower* through damage to and detention of said steamer *Mayflower*, and by the passengers on said steamer by reason of personal injuries sustained in said collision, may be submitted to the United States court for the district of Massachusetts, the district in which said collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty: *Provided*, That the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability with costs as in like cases in admiralty between private parties with the same rights of appeal: *Provided further*, That such suit shall be brought and commenced within four months after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS, ETC., PASSED OVER.

The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. SMOOT and Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership and Federal aid therefor was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1660) to provide a division of tuberculosis in, and an advisory council for, the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

#### LIBRARY INFORMATION SERVICE.

The bill (S. 2457) to provide for a library information service in the Bureau of Education was announced as next in order.

Mr. SMOOT and Mr. KING. Let that go over.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from Utah if he has not concluded that he can now remove his objection to this bill?



Mr. SMOOT. I will say to the Senator that as the bill is drawn it simply requires a duplication of work which is absolutely unnecessary. I have talked to a number of persons interested in this bill, and have called their attention to that fact. They have left my office, many of them, stating that they would study the bill, and if they found it to be as I suggested they would either send me a proposed amendment to the bill or they would say nothing more about it. Up to the present time I have not received any suggestions as to how the duplication of work would be done away with.

I recognize that there is a necessity for this class of legislation, but we do not want to pass legislation that will interfere with the Superintendent of Documents at the Government Printing Office and bring about the duplication of work that would follow from the passage of this particular bill, and it is for that reason that I ask that it go over.

Mr. WALSH of Massachusetts. I am glad to get the Senator's suggestions. It seems to me that the bill has a great deal of merit. It proposes to make every public library in the country an information bureau to the citizens about the activities of their Government, and I am sure that if that is done the Members of Congress will be relieved of a great many inquiries that are made of them from time to time at present and about which people could be informed by going to the library. I hope the Senator will agree that the action of the committee, which was unanimous in this matter, is in the public interest, and will support the measure after the proposed amendment is suggested.

Mr. SMOOT. I am perfectly aware that a few of the principal libraries of the United States would be greatly benefited by the passage of a bill of this character, even though the duplication of work were taken out of the bill; but I will say that under the law the great majority of the libraries of the United States now receive every public document that is printed, and I have been appealed to by many of them to stop having them sent, because they have not the room for them.

I have not any doubt but that the libraries in Boston and New York and some of the larger centers could make use, and have made use, of the information that has been sent to them in the past. I want to assure the Senator from Massachusetts that I recognize that fact, and I recognize the wisdom of passing a bill of this kind perhaps, if we confine it to the libraries that make application for the documents, or if we confine it to such documents and publications as are not sent them under existing law.

Mr. WALSH of Massachusetts. The trouble now is that this information is not catalogued or indexed. A pamphlet is sent to-day and another one to-morrow. The purpose of this bill is to inform the librarians of just what these documents are, how useful they can be made to the patrons of the library, and direct them in disseminating the information they contain.

Mr. SMOOT. If we pass the printing bill, which I hope will be passed at some time or other, almost all of the reasons for the passage of this bill will be eliminated. I recognize, however, that that bill has not become a law, and really I do not know when it is going to become a law, because I find that it is a mighty hard thing to pass a law through Congress if it is going to save any money to the Treasury of the United States; and if we can pass that bill it will save about a million dollars a year to the Treasury.

Mr. KING. Mr. President, I should like to suggest to the Senator from Massachusetts that a number of persons have been to see me in regard to this bill, and have suggested that the duty should devolve upon the Congressional Library here in the city of Washington. I have no opinion on the subject, but I merely invite the Senator's attention to it. They say that they have the personnel fully equipped to discharge the duties which this bill would impose upon another department of the Government.

I have no opinion on the matter myself, and I merely challenge the attention of the Senator to the suggestions which have been made to me.

The VICE PRESIDENT. Objection having been made, the bill will be passed over.

#### BILLS, ETC., PASSED OVER.

The bill (S. 131) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. KING. Let that go over. The matter has been cared for in other bills.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1448) for the relief of Jacob Nice was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 172) for the selection of a special committee to investigate the administration of the office of the Alien Property Custodian was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 2785) to provide aid from the United States for the several States in prevention and control of drug addiction and the care and treatment of drug addicts, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 51) directing the Court of Claims to investigate claims for damages growing out of the riot of United States negro soldiers at Houston, Tex., was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2672) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2444) to create the commission on rural and urban home settlement was announced as next in order.

Mr. SMOOT and Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3201) fixing the salary of the district attorney for the eastern district of New York was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3224) relating to the creation in the Army of the United States of the grade of lieutenant general was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 215) providing that whenever the United States becomes a member of the League of Nations this Government should present to the council or the assembly of the league the state of affairs in Ireland and the right of its people to self-government was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 3090) to repeal the espionage act was announced as next in order.

Mr. SMOOT. Let that go over. It is adversely reported, as I understand.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2707) for the relief of Ellen M. Willey, widow of Owen S. Willey, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 848) to reimburse Isaiah Stephens, postmaster at McMechen, Marshall County, W. Va., for money and postage stamps stolen, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3109) to amend section 26 of the act approved July 17, 1916, known as the Federal farm loan act, was announced as next in order.

Mr. SMOOT. I ask that that may go over to-day, as the whole subject is being considered in another bill.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1455) for the relief of John L. O'Mara was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2954) to remove the charge of desertion from the military record of Albert F. Smith, deceased, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3152) for the relief of George W. Mellinger was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1453) for the relief of Adolph F. Hitchler was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 1713) authorizing and directing the Secretary of War to appoint a commission to investigate and report upon the available sources of water supply for the District of Columbia was announced as next in order.

Mr. SMOOT. Mr. President, an appropriation has already been made for that purpose in the water-power bill, and we hope the conference report on that bill will be considered within the next few days. I therefore ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2822) making available additional moneys for the reclamation fund, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, it will be impossible to pass that bill before 2 o'clock. Therefore I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 139) repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 3746) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3747) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6639) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and to certain widows and dependent children of soldiers and sailors of said war, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7775) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3395) to discontinue the improvement to provide a channel extending from the sea to the Charleston Navy Yard was announced as next in order.

Mr. DIAL and Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3396) to discontinue the construction of a dry dock at the navy yard, Charleston, S. C., was announced as next in order.

Mr. KING and Mr. DIAL. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 310) for the relief of John Murphy was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

#### COMPENSATION OF UNITED STATES EMPLOYEES.

The bill (H. R. 5726) to fix the compensation of certain employees of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Education and Labor with amendments, on page 1, line 6, after the word "day," to insert "including any Government bonus"; on line 9, after the word "annum," to insert "including any Government bonus"; and on page 2, line 11, after the words "age of," to strike out "18" and insert "20," so as to make the bill read:

*Be it enacted, etc.,* That after the passage of this act the minimum compensation of any person employed by the United States or by the government of the District of Columbia shall be not less than \$3 per day, including any Government bonus; or if employed by the hour not less than 37½ cents per hour; or if employed by the month not less than \$90 per month; or if employed by the year not less than \$1,080 per annum, including any Government bonus: *Provided,* That persons employed on a monthly or annual salary basis and who regularly perform less than a full day's service shall receive compensation at the rate of not less than 37½ cents per hour: *Provided further,* That the provisions of this act shall not apply to persons enlisted in the military or naval branches of the Government nor to the employees in the Philippine Islands, Porto Rico, the Territory of Hawaii, the Territory

of Alaska, and the Panama Canal Zone, nor to persons holding appointments as postmasters, assistant postmasters, rural carriers, postal clerks, carriers in the City Delivery Service, or railway mail clerks: *Provided further,* That the provisions of this act shall apply only to those persons who shall have attained the age of 20 years: *And provided further,* That in the case of an employee receiving quarters and subsistence in addition to his compensation, the value of such quarters and subsistence shall be determined by the head of the department, and the compensation of such employees, plus the value of quarters and subsistence, shall in no event be less than the rate fixed by this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### \*BILLS, ETC., PASSED OVER.

The bill (S. 2292) for the relief of the William Gordon Corporation was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 151) to permit the payment for certain lands whereon Army supply bases are situated was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 3844) to provide for discontinuing the purchase and sale of grain by the Government, and for other purposes, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3430) fixing the salaries of certain United States attorneys and United States marshals was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

#### LANDS IN HAWAII.

The bill (S. 3461) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized, when in his opinion the public good demands it, to exchange any land or any interest in land owned by the United States now or hereafter set apart for military purposes in the Territory of Hawaii for privately owned land or any interest therein of equal value located in that Territory and selected by the Secretary of War, and thereafter to set apart for military purposes the lands or interest therein so acquired: *Provided,* That the Attorney General of the United States shall first pass upon and approve the title to the privately owned lands or interest therein to be acquired by the United States before any exchange of lands shall be made under the provisions of this act.

SEC. 2. That the value of the lands or interests to be so exchanged shall be determined by three appraisers, one of whom shall be appointed by the Secretary of War, one by the owner of the private property, and the third shall be chosen by the two appraisers so appointed. The expense necessary to effect the appraisements herein authorized, when approved by the military commander of the Hawaiian Department, may be paid out of the current appropriations for contingencies of the Army.

Mr. SMOOT. Mr. President, the Senator reporting the bill is in the Chamber, and I would like to ask him whether he knows what lands are involved, whether it is a general bill to be passed without a real necessity for it at this time, or whether it is to take care of some particular situation existing in the Hawaiian Islands now?

Mr. WADSWORTH. It is to take care of a situation existing at this time in the Hawaiian Islands. It is to effect an exchange of lands without cost to the Government. The Government will get lands it wants and give up lands it does not want. That is the effect of it.

Mr. SMOOT. I know that is the effect of it, but I was wondering whether it is really intended to take care of a situation at Honolulu or in the Island of Oahu.

Mr. WADSWORTH. It is in the Territory of Hawaii, as the bill describes in line 7, page 1, and it affects lands only which are now or which may hereafter be set apart for military purposes in the Territory of Hawaii. The War Department informed the committee that the exchange would be to the great advantage of the Government. There is some land which the Government owns which is very desirable for private ownership and some lands which private parties own which will be very desirable for Government ownership. The values are about alike, and they want to make a trade.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.



## BILLS PASSED OVER.

The bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," was announced as next in order.

Mr. THOMAS. I presume that had better go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3944) to create a Federal live-stock commission was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3928) relating to the ships acquired from Germany, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9281) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 10515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 1853) to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3725) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. NUGENT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1391) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt National Park was announced as next in order.

Mr. NUGENT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7785) to provide revenue for the Government, to establish and maintain in the United States the manufacture of laboratory glassware, laboratory porcelain ware, optical glass, scientific and surgical instruments was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 10074) to enlarge the jurisdiction of the municipal court of the District of Columbia and to regulate appeals from the judgments of said court, and for other purposes, was announced as next in order.

Mr. MYERS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7705) to amend section 339 of the tariff act of October 3, 1913, in respect to the tariff on buttons of steel and pearl was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 4437) to provide revenue for the Government and to promote the production of tungsten ores and manufactures thereof in the United States was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

## WALTER I. WHITTY.

The bill (S. 2989) for the relief of Walter I. Whitty was announced as next in order.

Mr. THOMAS. Let that go over.

Mr. ROBINSON. Mr. President, may I inquire whether there was an objection made to the consideration of this bill?

Mr. THOMAS. I objected to it; but I will withdraw the objection.

Mr. ROBINSON. It was discussed in the Senate on a former occasion, upon the objection of the Senator from Utah [Mr. KING]. I merely want to say that I would like to have the bill considered, if the Senator will withdraw his objection.

Mr. THOMAS. I will withdraw the objection.

Mr. KING. I would like to say to the Senator that since I objected to the consideration of the bill I have received a communication from the Compensation Board, and likewise a written statement, which was submitted at my request, and from the statements made to me it would seem that the bill ought not to be passed; that it would be a very bad precedent.

Mr. SMOOT. If would involve a great many other cases, I will say to the Senator.

Mr. ROBINSON. I merely want to say, Mr. President, that the bill has a favorable report from the Surgeon General and from the Secretary of War. Of course, the question of policy involved in the bill is one for the determination of the Senate, and I realize that under the rule under which we are proceeding I can not insist upon a further discussion of the matter, if the Senator objects.

Mr. KING. I would like to say to the Senator that I intended to bring that report here this morning. I shall hand it to the Senator, and if he still insists that the bill should be taken up, I shall withdraw objection; but I shall vote against the bill. I shall not object to taking the judgment of the Senate upon it.

Mr. SMOOT. I take it for granted that the junior Senator from Utah has received the same information I have received, and if the information I have is correct, and I get it from the department, of course it will open the door for all sorts of claims, amounting to a greater expenditure than I or anyone else can estimate.

Mr. ROBINSON. Of course, I am not in possession of the information to which the Senators from Utah refer, and I am not in a position to pass upon the value of that information without having seen it. I suggest that it might be well for them to put it in the Record, if they care to do so, or furnish me with a copy of it. I do not know of any other way to get it.

The VICE PRESIDENT. There being objection, the bill will be passed over.

## BILLS PASSED OVER.

The bill (S. 3139) for the purchase of land adjoining Fort Bliss, Tex., was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 10918) to provide revenue and encourage domestic industries by the elimination, through the assessment of special duties, of unfair foreign competition, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6238) to provide revenue for the Government and to establish and maintain the production of zinc ores and manufactures thereof in the United States, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4166) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

## SALE OF TIMBER ON POWER-SITE LANDS.

The bill (S. 3763) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the act approved June 9, 1916 (39 Stats. L., p. 218), revesting title in the United States to the lands formerly granted to the Oregon & California Railroad Co. remaining unsold July 1, 1913, and the act approved February 26, 1919 (40 Stats. L., p. 1179), authorizing the United States to accept from the Southern Oregon Co. a reconveyance of the lands granted to the State of Oregon by the act approved March 3, 1869, the Secretary of the Interior is hereby authorized, in his discretion, to sell the timber on lands classified and withdrawn as power-site lands in such manner and at such times as he is now authorized to sell the timber from lands classified as timber lands: *Provided*, That if a valid claim for a preferred right of homestead entry is shown to exist, in accordance with the terms of section 5 of said act of June 9, 1916, or a preference right of purchase or entry under section 3 of said act of February 26, 1919, for lands thus classified and withdrawn, it may be exercised therefor, as provided in section 2 hereof.

Sec. 2. That the lands embraced in homestead entries or sales authorized by the proviso to section 1 hereof shall be subject to disposition as water-power sites upon the compensation of the owner of the land for actual damages sustained by the loss of his improvements thereon, through the use of the land for water-power purposes, such damages to be ascertained and awarded under the direction of the Secretary of the Interior; and the rights reserved under this section shall be expressly stated in the patent.

Sec. 3. That the provisions of the act of Congress approved May 31, 1918 (40 Stats. L., p. 393), entitled "An act to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.," as amended in section 4 of this act, shall be extended to the lands reconveyed to the United States under the terms of said act of February 26, 1919, and authorize the exchange of lands embraced therein in like manner and for the same purpose.

Sec. 4. That said act of May 31, 1918, is hereby so amended as to require the applicant for exchange to pay a filing fee of \$1 each to the register and receiver for each 160 acres or fraction thereof of the public lands embraced in proposed selections, whether now pending or hereafter tendered.

Sec. 5. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

The bill (H. R. 13229) to establish in the Department of Labor a bureau to be known as the women's bureau was announced as next in order.

Mr. THOMAS. It will be impossible to consider this bill in the moment of time left of the morning hour, and for that reason I object.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

The bill (S. 64) to establish military justice was announced as next in order.

Mr. MYERS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, was announced as next in order.

Mr. NEW. It is very evident that we can not get anywhere in the consideration of this bill in the one minute of time which remains of the morning hour; that is, if there is anyone who cares to speak further on it. The bill has been twice under consideration in the Senate. I do not know whether anyone cares to speak on the bill. The Senator from Utah [Mr. KING] was interested in it and I think at one time expressed to me a desire to say something further on it before it came up for final passage. I would like to know if he is still of that mind?

Mr. KING. Yes, I will say to the Senator, and I have several amendments to offer to it.

#### ARMY APPROPRIATIONS.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 13587.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes.

Mr. THOMAS. Mr. President, just prior to adjournment on Saturday last the reading of the bill was completed and the last amendment passed over until this morning. That amendment reads:

That the President be, and he is hereby, authorized to appoint Col. William C. Brown, United States Army (retired), to the position and rank of brigadier general on the retired list.

Of course, if a point of order is made against the amendment, it will go out. I shall occupy a very brief space of time before such point is presented, if it is to be made, addressing myself to the merits of the amendment, although its purpose is obvious from the recital.

Col. Brown is now upon the retired list, and is therefore ineligible for further promotion or official consideration except as provided by this amendment, which, while it might be more appropriate upon some other measure, has been offered and accepted here largely because of my inability to secure its recognition in the omnibus bill of the Senator from New York [Mr. WADSWORTH], which was designed to and did cover other similar cases, and which has recently become a law.

The omnibus bill to which I refer, among others, included the case of Col. William A. Simpson, a case largely similar to that of Col. Brown, and perhaps more analogous to it than any of the other various measures of relief of this sort which have been favorably considered by the Congress. It is thus referred to in the committee report:

Senate bill 2488—

Which was the omnibus bill—

provided that the President should be authorized to promote Col. William A. Simpson to the grade of brigadier general. Col. Simpson entered West Point as a cadet in 1871 and graduated four years later. On February 11, 1918, he was retired, after more than 46 years of active service, but was immediately called into active service and assigned to duty as adjutant of the Eastern Department, serving in that post during the war with Germany. It appears upon the records

before the committee that in 1898 Col. Simpson, then a major, was taken from duty with troops and assigned to The Adjutant General's Department. In that department promotion was slow, and although he rendered very valuable service many officers of the line junior to him reached higher rank than he did. It is for the purpose of giving him the rank he would have reached had he not been assigned to The Adjutant General's Department that this is proposed.

Col. Brown was recommended for promotion to the rank of brigadier general immediately prior to his having reached the retirement age, and his misfortune is that he was born a little too soon to receive the full meed of recognition which his service requires. It is also unfortunate that this gentleman, whose record is of the best, should not have received the same distinction which in another bill has been conferred upon an equally gallant and deserving officer.

If the Senate will bear with me for a moment, I will briefly refer to this officer's record, which, I think, will be recognized as exceptional.

He has served continuously upon the active list for over 45 years. He participated in two Indian campaigns, in the Spanish-American War, in the Philippine insurrection, in the Mexican punitive expedition, and was under fire in all of them; he has been brevetted for gallantry in action against hostile Indians. He served in France in the war against Germany for over a year, and has been cited for exceptionally meritorious and conspicuous service in such war. Before retirement he was recommended for promotion to the grade of brigadier general.

Mr. JONES of Washington. Mr. President, I think it was at my suggestion, or upon my inquiry, that this item went over on Saturday.

Mr. THOMAS. Yes.

Mr. JONES of Washington. I desire to say to the Senator that I am entirely satisfied with the statement the Senator has made, and the statement that the Senator has in his hand, which I have examined.

Mr. THOMAS. I am very greatly obliged to the Senator.

Mr. JONES of Washington. I will make no objection to it.

Mr. LENROOT. Mr. President, I would not want the Senator to stop his argument on the strength of the statement of the Senator from Washington. I am satisfied with the merits of the case, but I shall feel constrained to make a point of order, as I am informed that if this goes on without a point of order there are a number of cases that will be offered here on the floor. I have just been informed of one or two of them, and in accordance with what I have done in the past I shall have to make the point of order.

Mr. THOMAS. If there are other cases as meritorious as this I think they ought to be included in the bill. The crowning difficulty with cases of this kind is their unquestioned merit, coupled with the inability of the department to recognize them except by further congressional legislation.

Of course, if the Senator from Wisconsin feels it to be his duty to make the point of order the amendment will be stricken out. There is no question about that. But I appeal to the Senator to consider that this is a case in which 45 or nearly 46 years of constant, active, dangerous, and recognized service has been rendered by one of the finest officers who ever wore the uniform of the United States Army; that he performed the last year of his service in France, and as a result of it his chief, Gen. Harbord, one of the greatest of the officers developed in that greatest of all wars, took occasion to specifically make this recommendation. The recommendation was supported by that of other officers, notably Gen. Kuhn, also thoroughly familiar with the character and the extent of the service rendered. Under these circumstances I venture to appeal to the sense of justice of my friend from Wisconsin and ask him to allow this matter to go to conference.

Mr. LENROOT. Mr. President, it is certainly not an agreeable task for one to make a point of order upon a private bill that is very meritorious. It does not seem to me that it is fair to other cases, which may be equally meritorious, to violate the rules of the Senate by giving preference to one and shutting out others. It is not very long since I made a point of order on a very meritorious bill under similar circumstances, and I think that officer would have very good grounds for complaint against me if I made the point of order in his case, as I did make it, and decline to make it in another case, certainly not any more meritorious, in my judgment.

There is no objection whatever to the passage of the bill as a separate bill, a private bill, and if it is as meritorious as the Senator says—and I do not question that it is—it seems to me there ought not to be any difficulty in securing the passage of the bill through the Senate and through the House as well, without placing it as a rider upon an appropriation bill. If we are going to begin to set a precedent for putting private bills on



appropriation bills, then the Senator can readily see where our appropriation bills are going to come to.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER (Mr. EDGE in the chair.) Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LENROOT. Certainly.

Mr. THOMAS. Of course, this is not the precedent. It has many precedents of similar character to justify it. I have no doubt that a special bill would pass this body at once, but I think the Senator is mistaken in his estimate of the possibilities of securing its consideration at this session of Congress by the House.

Mr. LENROOT. I make the point of order.

The PRESIDING OFFICER. The Senator from Wisconsin makes a point of order as against lines 9, 10, 11, and 12, page 75, of the bill under consideration. The presiding officer, under Rule XVI, of the standing rules of the Senate, must decide that the point of order is well taken.

Mr. WADSWORTH. Mr. President, may the deferred amendments be taken up in their order? There were some that were passed over on Saturday.

The READING CLERK. The first amendment passed over is, on page 7, line 14, after the word "records" to insert a comma and the following words:

And for the employment of clerical help required to furnish to the adjutants general of the several States statements of service of all persons from those States who entered the military service during the war with Germany, is hereby reappropriated and made available for the fiscal year 1921, for all expenses, including the employment of clerical and other help in the office of The Adjutant General of the Army, necessary for the completion and preservation of the selective-service records and the completion of the work of furnishing statements of service to adjutants general of States: *Provided*, That this appropriation shall be disbursed by such officer as may be designated by the Secretary of War for the purpose.

Mr. WADSWORTH. Mr. President, the Senator from Utah [Mr. KING] is interested in that amendment, and he informed me a few moments ago that he was compelled to be out of the Chamber for a little while. He will be back in a short time, and I ask that the amendment be temporarily laid aside until his return.

The PRESIDING OFFICER. The amendment will be temporarily laid aside.

Mr. CURTIS. Mr. President, I ask the Senator from New York if he would just as lief turn to page 39 of the bill and take up an amendment at that point in which I am interested? I am a member of a conference committee, and I should like to have the amendment disposed of, if that course is agreeable to the Senator from New York, before I am called upon to attend the meeting of the conferees. The amendment to which I refer—on page 39—was passed over on last Saturday. It covers an item which was estimated for by the War Department and which the House accepted after the estimate had been reduced by the House Committee on Appropriations, but the Senate committee has reported to strike it out. The clause reads:

*Provided*, That not to exceed the following sums may be used in the erection and completion of buildings enumerated at the places named—\$404,256 for motor training-school buildings at Fort Leavenworth, Kans.; \$600,000 for construction of officers' and noncommissioned officers' quarters and the repair and remodeling of such existing buildings as may be available for such quarters at Fort Leavenworth, Kans.

I may state to the Senate that when the Army appropriation bill was before the Senate for consideration a year ago I was about to offer an amendment providing for the construction of these buildings, when I asked the chairman of the committee the following question:

I desire to ask the chairman a question with reference to an item which was sent up by the War Department. It asks for an appropriation of \$333,000 for the building of a mechanical repair shop at Fort Leavenworth, Kans. I ask the chairman if the item requested by the department can be taken care of out of the lump-sum appropriation for barracks and quarters, water supply—

And so forth.

The Senator from New York replied:

It is my opinion that it can be taken care of out of the item for barracks and quarters, water, sewers, roads, walks, and drainage.

So I did not offer the amendment, because, although the department had asked for the appropriation, the opinion was expressed by the chairman of the committee that the sum needed for the purpose indicated would be available from a lump-sum appropriation; but afterwards it was held by The Adjutant General, I think, that under section 1136 of the Revised Statutes the lump-sum appropriation could not be used for that purpose. So this year when the bill was under consideration an appropriation was asked for and was granted by the House of Representatives. For some reason, however, the Senate committee has seen fit to eliminate the provision.

The buildings referred to are greatly needed at Fort Leavenworth. In the construction of the motor training school buildings old material now on hand at the fort may be used, prison labor may be employed, and the buildings can thereby be erected at a saving of several hundred thousand dollars. It seems to me it would be economy to erect the buildings at this time. I think the chairman of the committee will admit that the buildings are greatly needed. The War Department desired the appropriation, and, after careful consideration, the item was inserted in the other House. I hope the Senate committee amendment will not be agreed to. That is all I desire to say at this time.

Mr. WADSWORTH. Mr. President, the Chief of the Construction Division, Gen. Marshall, came before the Committee on Military Affairs of the Senate to defend the items in this bill, his department being interested, and there were also laid before the committee recommendations of a similar character emanating from other branches of the War Department—I mean by that, recommendations involving the erection of permanent buildings at Army posts and cantonments. The list is a very long one, and, if all the recommendations were acceded to, many millions of dollars would be required.

On examining the different recommendations and the different proposed projects, the committee was unable to determine why this particular provision was the only one authorized by the other House. The conditions at Leavenworth with respect to motor training facilities and quarters for officers and noncommissioned officers are not nearly so difficult or inconvenient as at many other places. The Senate will note that the appropriation of \$600,000 in this instance is asked for the construction of officers' and noncommissioned officers' quarters at Fort Leavenworth. That is a large sum of money to be spent at this time on permanent construction. We have examined the reasons given, and which the Senator has set forth, for this proposed appropriation, and we found the reasons to be about as follows: Fort Leavenworth is the site of the school of the line or the service school. There are a number of noncommissioned officers stationed there on duty at the school. My recollection is that the total number is about 52; that something over 30 of them have quarters provided now in the post; and there are something like 12 or 15 men who live outside the reservation in town and come in and go out each morning and each afternoon. Their quarters are commuted for them. Of the officers I think something like 50 out of several score have to do the same thing, and their quarters are also commuted for them by the Government under the law. The situation does not constitute an emergency.

It is true that there is a certain degree of inconvenience for the small number of men involved, but the Senate committee thought we might postpone the spending of \$600,000, especially as there are many other places at which the Army is stationed where conditions are infinitely worse. I can name one close at hand. At the Army War College in Washington, as Senators know, there are officers' quarters, though there are not many of them. A large number of officers are on duty at the Army War College, but the quarters at the Washington Barracks, next to which the War College is situated, are utterly incapable of housing more than a small percentage of the officers at the Army War College. The result is that those officers have to rent apartments and houses here in the city of Washington at very high rentals. The value of the commutation of quarters which they receive from the Government does not anywhere near pay the rent which they have to pay the owners of the apartments and the houses here in Washington. The percentage of inconvenience at Washington Barracks is infinitely greater than it is at Leavenworth, and yet we do not find anything in this appropriation bill which has been passed by the House which does anything for Washington Barracks. As a matter of fact, in going through these projects proposed by the General Staff and submitted to the committees by the chief of construction it actually seemed to us that the Leavenworth item was the one which ought to be attended to last; but we declined to act upon any of them.

Mr. CURTIS. Mr. President—

Mr. WADSWORTH. I yield to the Senator from Kansas.

Mr. CURTIS. Mr. President, I am aware of the fact that there is a shortage of barracks here in the city of Washington, but I presume additional barracks have not been erected because it is expected that many of the officers now detailed in Washington will leave here.

Mr. WADSWORTH. But others will come in their places; the War College is full all the time.

Mr. CURTIS. They ought not to; there are probably more here now than are needed. However, in view of the Senator's

statement, and in view of the fact that motor training-school buildings, involving an expenditure of \$404,256, can be erected at this time by utilizing material on hand and employing prison labor and other available labor at the school, resulting in an estimated saving of about \$300,000, I should like to ask if the Senator will not consent to disagree to that part of the amendment ending with the word "Kansas," in line 21, and allow the remainder of the amendment to be agreed to? That would give us \$404,000 for the erection and completion of buildings for the motor training school, in connection with which old material on hand could be utilized and the prison and other labor there could be employed. The department states in its letter that there will be a saving, as I recall, of some \$300,000 if that can be done.

Mr. WADSWORTH. Do I understand that the \$404,000 appropriation is supposed to represent the cost of the proposed construction, even though prison labor is used?

Mr. CURTIS. That would be the cost if prison labor were used, but without prison labor the cost would be over \$700,000; and I wondered if the chairman of the committee would not consent to having that item remain in the bill and let the others go out for the present, in view of the policy followed by the committee.

Mr. WADSWORTH. The Senator from Kansas puts me in an embarrassing position.

Mr. CURTIS. I do not desire to do that.

Mr. WADSWORTH. I know, of course, the Senator's interest in this matter, and it is quite a legitimate interest; but the committee struggled hard to save money and to keep these appropriations down.

Mr. CURTIS. I feel more interested in this than the Senator realizes, because of the fact that I was going to offer a similar amendment last year, and it was the statement of the chairman himself that prevented me from doing so.

Mr. WADSWORTH. I had no idea that the Senator was going to ask for over \$400,000 for erecting a motor-training school building.

Mr. CURTIS. Three hundred and odd thousand dollars was the amount estimated at that time, but it will cost more now than it would then. I do not blame the Senator, for he thought, as I did at the time, that the buildings could be erected out of a general lump-sum appropriation.

Mr. WADSWORTH. I thought the buildings for a motor-training school could be covered in an item of something like twenty or thirty thousand dollars. My recollection was that there was some rule or perhaps some statute which authorized the erection of buildings under the appropriation for "barracks and quarters," when the amount to be expended was limited, and I thought that the item in which the Senator from Kansas is interested could be taken care of in that way. My recollection is that there are nine motor transport stations over the country. There is no real emergency for this item right now.

Mr. CURTIS. Does the Senator think that the department would have recommended the appropriation if it had not wanted it?

Mr. WADSWORTH. Mr. President, as the Senator knows, the department recommended estimates carrying a billion dollars; they do not care what they recommend; they estimate for and recommend anything they want. The item covered by the amendment is rather desirable, I will admit, and some day they ought to have a motor-training building at Leavenworth, probably.

Mr. CURTIS. Did not the Senator feel last year that there should be such a building at Leavenworth?

Mr. WADSWORTH. Not at this cost; I had no idea such an amount was involved. I had no idea that the Senator had in mind such an extensive program and elaborate program, involving the expenditure of over \$400,000, to erect permanent buildings at this time, when the Army is in a state of flux and when the Motor Transport Corps already has a training school at Holabird, in Maryland, in full blast, with 2,500 men there, and has, according to my recollection, although I am not absolutely certain, eight other depots scattered over the country similar to the one which it is proposed shall be erected on a permanent basis at Leavenworth.

Mr. CURTIS. How much does the Senator think ought to be required to erect the necessary buildings at Leavenworth?

Mr. WADSWORTH. That would be a hard question to answer, even if I could be persuaded that the buildings are necessary. I hope the Senator will not insist upon my taking one and leaving the others. They are, as I have said, not emergency items; they are desirable I will admit, but they are not emergencies.

Mr. CURTIS. I ask for a division of the amendment, so that we may have a vote, first, on the part of the amendment ending with the word "Kansas," in line 21, on page 39, which will cover the item appropriating \$404,256 for the erection of a motor-training school building or buildings. As I said a moment ago, the labor is to be performed by prison labor and much of the material is old material which now is on the ground.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The Senator from Kansas asks for a division of the question.

Mr. HITCHCOCK. I ask that the amendment be stated; I do not understand it.

The PRESIDING OFFICER. The Secretary will state the amendment as proposed to be divided.

The READING CLERK. The committee amendment proposes to strike out the proviso, beginning with line 17 and ending with line 24, on page 39. It is proposed to divide the question so that the vote may be taken on the first portion of the proviso, which reads as follows:

*Provided*, That not to exceed the following sums may be used in the erection and completion of buildings enumerated at the places named—\$404,256 for motor-training school buildings at Fort Leavenworth, Kans.

Mr. WADSWORTH. I should like to read merely one little paragraph from the memorandum for Gen. Hervey, Director of Operations of the General Staff:

Subject: Repair unit and shop at Fort Leavenworth.

With reference to the memorandum of the Acting Secretary of War, dated April 10, 1919, herewith, it would appear that the Acting Secretary did not thoroughly understand what the plan for building and equipping shop at Fort Leavenworth contemplated. It is recommended that the disapproval of this proposition be reconsidered and that the project be approved, or, if necessary, that it be submitted to Congress recommending approval.

Then the memorandum goes on and makes an argument for it; but it is apparent from that that the War Department itself was not convinced that it was an emergency, as the Acting Secretary of War upon one occasion disapproved it as an estimate.

The PRESIDING OFFICER. Without objection, the first branch of the amendment and the second branch of the amendment will be voted on separately, as requested by the Senator from Kansas.

Mr. HITCHCOCK. Mr. President, I should like to clarify this matter a little. This neither increases nor diminishes the appropriation, as I understand.

Mr. WADSWORTH. Oh, yes, Mr. President; the Senator will note that we decrease—

Mr. HITCHCOCK. Not the amendment as stated. The proviso is that \$404,000 may be used for that purpose. That is stricken out. I will say to the Senator from Kansas that I have had some experience with an amendment of that sort. I succeeded in securing the insertion of such an amendment at one time upon a bill of this sort, and I found afterwards that it was merely permissive, and that it did not require the department to make the appropriation.

Mr. WADSWORTH. The Senator from Nebraska need not worry about it; they will spend it.

Mr. HITCHCOCK. I did worry about the other, and they did not spend it.

Mr. WADSWORTH. The Senator wanted it spent on that occasion.

Mr. HITCHCOCK. I feel reasonably satisfied that the Senator from Kansas will not secure his appropriation by securing the elimination of this amendment. I inquire again of the chairman of the committee whether this changes in any way the total amount appropriated for these items?

Mr. WADSWORTH. The Senator will notice that on line 17 the House had appropriated \$10,000,000 for barracks and quarters. The Senate committee has reduced it to \$7,500,000 and has stricken out a million dollars for the special purposes. Now, if the Senate is going to defeat the Senate amendment and restore those two Leavenworth items, we will have to raise that \$7,500,000 by a million dollars.

Mr. CURTIS. Mr. President, I have not asked for any such amendment. I am asking for a separate vote on the one matter.

Mr. WADSWORTH. Yes; I was grouping them together. I was simply explaining the parliamentary situation.

Mr. HITCHCOCK. I think, then, in view of what the chairman states, that I am in favor of the amendment. I believe in holding the appropriations down.

The PRESIDING OFFICER. The question is on agreeing to the first branch of the committee amendment.

On a division, the first branch of the committee amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the second branch of the committee amendment.

The second branch of the committee amendment was agreed to.



The PRESIDING OFFICER. The Secretary will state the first amendment passed over.

The READING CLERK. The first amendment passed over is on page 14, in lines 20, 21, 22, and 23, which reads as follows:

And provided further, That hereafter the Army Air Service shall control all aerial operations from land bases, and that naval aviation shall have control of all aerial operations attached to a fleet.

Mr. LODGE obtained the floor.

Mr. WADSWORTH. Mr. President, will the Senator permit me to perfect the Senate committee amendment?

Mr. LODGE. Certainly; I am not opposing the amendment.

Mr. WADSWORTH. I had it printed on Saturday.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 14, line 23, after the word "fleet," it is proposed to insert:

Including shore stations whose maintenance is necessary for operations connected with the fleet, for construction and experimentation, and for the training of personnel.

Mr. LODGE. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. POINDEXTER. Mr. President, I understand that this is for the purpose of perfecting the original amendment?

Mr. WADSWORTH. Yes.

Mr. LODGE. Mr. President, as I have just stated, I have no objection to the amendment. It makes the clause better. My objection is to the clause put in by the House, and even with the amendment I object to it.

The House provided:

That hereafter the Army Air Service shall control all aerial operations from land bases, and that naval aviation shall have control of all aerial operations attached to a fleet.

That, of course, as it stood, as it came from the House, made it simply absolutely impossible for the Navy to carry on an air service. All they were permitted to do was to command their own ships, and when they were using airships in connection with the other ships they would have control of them. It is utterly impossible to carry on naval aviation without land bases. We have six provided for in the appropriation bill. We must have bases for the hydroplanes, for the training of the men, and for all that goes with the maintenance of an air squadron.

Mr. President, I think such an arrangement can lead to nothing but dissension and trouble. If you attempt to put the men and officers of the Navy under the control of Army officers in connection with everything on shore, you create a situation which seems to me utterly impossible. I can not imagine running the military and naval departments on such a basis as that. If all the air services are to be consolidated into one, as proposed by the Senator from Indiana, that is another and very different question. This, as it stands, as it came to us from the House, simply transfers the Naval Aviation Service to the control of the Army, except while the hydroplanes are in absolute use with the fleet at sea. It did not put the ships and the hydroplanes, when at sea, under the control of the Army, but it did everything else.

That I can not conceive to be a good working arrangement. I think to put the sailors of the Navy and the officers of the Navy under the command of Army officers at all the land bases could not possibly lead to good service. I know, of course, that the Navy Department is strongly opposed to it, and I am also assured that the War Department is opposed to it. The two departments have made an arrangement between themselves, which is printed on a little leaflet that I have not here at the moment, for cooperation in air service.

I can not extend particularly the argument upon this subject, because it seems to me to argue itself. I hope that the Senate will strike out the whole provision, and let it go back to the House for reconsideration.

Mr. PAGE. Mr. President, I have taken some little pains to ascertain the views of both the War Department and the Navy Department touching this amendment; and as they are very brief I think I will have them appear in the RECORD.

The first is a letter from the Secretary of the Navy. He says:

MY DEAR SENATOR: I thank you very much for your kind letter of April 20, regarding the clause appearing in the Army appropriation bill. Your communication reached me to-day just as I was directing a letter to the President of the Senate regarding this matter.

There can be no doubt of the impropriety of inserting such a clause as this in the Army bill. Necessarily, all naval operations must primarily start from a land base. While we hope to give naval aviation the mobility which belongs to other naval units, nevertheless in certain activities aviation will be compelled to make its start from the land. Manifestly it would be confusing, and therefore undesirable, to have

such activities controlled or interfered with by another service than the Navy.

I trust that the Senate will see fit to eliminate this clause which is included in the Army bill as it passed the House.

Attached herewith is a copy of the letter above mentioned regarding this matter, which has been addressed to the President of the Senate.

Very truly, yours,

JOSEPHUS DANIELS.

This letter was written in April, but the matter has been the subject of a good deal of discussion in the Navy Department as well as in the War Department; and Assistant Secretary Roosevelt, under date of May 19, wrote me another letter in which he expresses substantially the same view. I will read it:

I have to acknowledge the receipt of your letter of May 18, 1920, regarding a measure which has been inserted in the Army appropriation bill, and which is objectionable to the Navy.

The impropriety of including in an appropriation bill for one branch of the Government anything involving the policies of other branches of the Government would seem manifest.

And that is what they do in this case. This is a matter pertaining to the Navy. The amendment does not originate with the Naval Affairs Committee either in the House or in the Senate, but is a matter put on by the Committee on Military Affairs in the House. It seems to me that they are overstepping their particular bounds of propriety in seeking to regulate the Navy from the Army end.

Where the interests of both services have not been previously investigated, the insertion of such a clause would seem particularly objectionable.

I have invited the attention of Senator LODGE to this point, and he is in agreement regarding the impropriety of inserting the clause proposed in the Army bill. I have also discussed the matter with Secretary Baker.

I want to call especial attention to this fact, because I understand that Secretary Baker has written a letter which, it seems to me, ought to be given to us by the Senator from New York. Am I right about that? Has the Senator from New York a letter from the Secretary of War touching this matter?

Mr. WADSWORTH. I have.

Mr. PAGE. I understand that both the Army and the Navy are agreed.

Mr. POINDEXTER. Has the Senator from New York any objection to supplying us with that letter from the Secretary of War?

Mr. WADSWORTH. Not the slightest. I was going to describe, when my turn came, just how everybody felt about it.

I am not attempting to conceal what the Secretary of War feels and says. There are occasions, however, when the Committee on Military Affairs has not followed the advice of the Secretary of War.

Mr. POINDEXTER. I would like very much to have the letter available, so that we can see exactly what his attitude is.

Mr. PAGE. I commence again:

I have also discussed the matter with Secretary Baker, who informs me that the clause was inserted without his knowledge, and that he is in agreement that the enactment of this legislation is undesirable.

Thanking you for your interest in this matter, and trusting that the clause in question may be eliminated from the Army appropriation act, I am, very truly, yours,

FRANKLIN D. ROOSEVELT,  
Acting Secretary.

Senator C. S. PAGE,

Chairman Committee on Naval Affairs,  
United States Senate, Washington, D. C.

The man who perhaps knows more about this matter of aviation than any other—at any rate he is in a position to know—is Capt. Craven, director of naval aviation. It is true that Capt. Craven has had a long conference with the Senator from New York, and they have agreed in regard to this amendment, which Capt. Craven and the Senator from New York drew. It provides:

Including shore stations whose maintenance is necessary for operations connected with the fleet, for training of personnel, and for construction and experimentation.

It is true that that very much improves the bill as presented to us originally, but it does not remove the objection which I think exists properly to transferring, without the knowledge or consent of either the Secretary of War or the Secretary of the Navy, something which pertains to the naval side of this matter, and ought not to have been introduced on the military side, from my point of view. I ask to have the letter of Capt. Craven read by the Secretary.

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). Is there any objection? The Chair hears none, and the Secretary will read.

The Reading Clerk read as follows:

NAVY DEPARTMENT,  
OFFICE OF NAVAL OPERATIONS,  
Washington, May 15, 1920.

MY DEAR SENATOR: My attention has been drawn to a clause appearing in the Army appropriation bill, as agreed to recently by the Senate Military Affairs Committee, which is very detrimental to the best interests of the Navy.

This clause reads as follows:

"And provided further, That hereafter the Army Air Service shall control all aerial operations from land bases, and that naval aviation shall have control of all aerial operations attached to a fleet, including fleet shore naval air-station bases."

I deem it my duty to bring to your notice the following results of such a measure, if it should be enacted into a law:

(a) The definition of a base at once becomes an important point at issue, and the exact meaning of the law as written in the above clause, if it should be enacted, is not evident. Possibly the committee had no intention of restricting naval operations, but a rigid interpretation of the clause might prevent the Navy from projecting aviation operations from the land, which in preparation for war or in time of war would materially and improperly interfere with naval activities.

(b) If the bill is passed as framed by the committee, the future of the station now being created by the Navy at great expense in Lakehurst, N. J., for the purpose of erecting rigid dirigibles, is immediately changed. The work is now progressing under appropriations for the Navy, the rigid having been shown to be essentially a naval unit. By recent arrangements between the Army and the Navy, to avoid duplication, the development of rigid in this country has been placed in the hands of the Navy. If the only station at which erection of these large craft can be undertaken is taken out of the hands of the Navy, confusion, delay, and expense to the Government must result.

(c) The status of the Naval Aviation School, at Pensacola, becomes uncertain with the enactment of a measure such as that proposed. The reasons would seem compelling for the Navy to retain a school for teaching flying in seaplanes and the operation of these craft in connection with ships. At this school Army fliers designated to fly seaplanes are instructed. Aside from merely piloting a machine, many other details of a professional and highly technical nature and necessary for a naval aviator are taught at this place.

(d) With the enactment of this legislation, the naval air stations at Chatham, Rockaway, Cape May, Anacostia, and Coco Solo would immediately pass into the hands of the Army. These stations have been maintained by and for the Navy, and are in neighborhoods where it is deemed important that such stations should exist for naval purposes, though they may not be considered as naval bases.

Chatham is on Cape Cod, and is the only naval air station in New England. It is convenient to the naval rendezvous and to the area in which the Navy is accustomed to exercise in Cape Cod Bay.

Rockaway is off the entrance of the port of New York. It would seem unnecessary to point out the responsibility of the Navy in guarding this region, in the event of hostilities, and of the necessity for training and preparing for this work in normal times of peace in this region.

Cape May is an important station, where aviation would work in connection with submarines and other small naval craft, for guarding the entrance of the Delaware.

Anacostia is a small station for seaplanes on the edge of Bolling Field, at Washington, D. C., from which important experimental work is carried on. This work is in connection with the development of radio communication, direction finding, engineering, and ordnance features of naval aviation.

Coco Solo is a small air station in the Canal Zone, from which naval aviation projects its operations for assisting in the guarding of this important region.

At all of the above-named stations, training and development operations are carried on, essential at this time, in order to make the art of aviation useful for naval purposes.

(e) With these stations taken from the Navy, the only aviation bases remaining would be at Hampton Roads and at San Diego.

A clause of this kind, having such a wide effect upon the military and naval policies of the country, it would seem should not be enacted into legislation, without a full consideration of its results from every point of view, and therefore I deem it my duty to bring this matter to your careful attention at this time.

Very truly, yours,

THOMAS T. CRAVEN,  
Captain, United States Navy,  
Director of Naval Aviation.

Senator C. S. PAGE,  
Chairman Naval Affairs Committee,  
United States Senate, Washington, D. C.

Mr. PAGE. Mr. President, I want to say simply, in connection with the matter, that it has been before us now for something more than a month, and the protests which come to me from all branches of the Navy Department with whom I have been in contact are uniformly opposed to this legislation. They think it is so wrong that it is surprising that anybody should try, from the military end of the matter, to regulate the Navy, as is sought to be done by this amendment.

Mr. WADSWORTH. Mr. President, the letter put into the Record by the Senator from Vermont [Mr. PAGE], from Capt. Craven, which has just been read, is completely out of date. It might just as well have not been read. It does not apply to the question before the Senate at all, for since that letter was written Capt. Craven and myself prepared the amendment to the committee amendment which the Senate a few moments ago adopted.

It may be that the captain at the head of naval aviation is not in favor of any legislation at all. I think it is true that he is not in favor of any legislation. It may be that the Secretary of the Navy is opposed to any legislation. It may be that the Secretary of War, on being requested by the Secretary of the Navy, replies that he, too, thinks that legislation is undesirable. But the fact is that this committee amendment as now presented to the Senate does not do to the Navy any of the things which it is alleged the House of Representatives or the Senate Committee on Military Affairs intended to do.

The House language was clearly faulty. The House language, as the Senator from Massachusetts has said, would probably have confined naval aviation entirely to the carrying of air-

planes on battleships or airplane carriers, and would have prevented the Navy from maintaining any naval aviation base or station on shore. Such a proposal as that was clearly impossible. When it came before the Military Affairs Committee of the Senate we recognized that situation, and our first amendment, which we intended as a cure to the fault which we believed existed in the House provision, provided for adding the words, after the House language, "including fleet shore bases." On consultation with Capt. Craven we learned that the term "fleet shore bases" would not include several of the activities of naval aviation which it was absolutely necessary for them to carry on upon shore, for example, the training schools, the aircraft factory at Philadelphia, the new dirigible base at some point in New Jersey, and two or three other of the naval stations which could not be called "fleet shore bases."

So this language was drafted in my office by Capt. Craven and myself. We had already stricken out, at the end of line 23, the first committee amendment, which read "including fleet shore bases," and we had substituted this language:

Including shore stations whose maintenance is necessary for operations connected with the fleet, for training of personnel, and for construction and experimentation.

I am assured that that language covers every naval aviation activity on shore which is a legitimate part of naval aviation on shore; that it covers everything they intend to do in the future. It is true, however, that it would not permit them to do in the future some of the things which they have done in the past, and those things which they have been doing in the past which the committees of both the House and the Senate want stopped are things which duplicate what the Army must do anyway.

I refer, especially, Mr. President, to aviation patrol of the coasts. I am informed now that the Navy intends no longer to continue coast patrol with its aviation. It has been doing that in the past. We do not want to see it resumed in the future, because the Army must do it anyway. We want to see it understood that naval aviation should not be used to patrol forest areas. We want to see it understood that naval aviation should not be used to patrol, for example, inundated areas on the Sacramento River. We know that those things have been proposed. We know that there has been a great deal of duplication in the past and a good deal of it has been eliminated. As I said before, the chief of naval aviation tells me that this does not do the naval aviation any harm whatsoever, but where we can stick a pin in without doing any harm to either service we propose to do it in order to save the taxpayers' money.

This whole question of aviation, of course, is a mighty difficult one, because, try as they will, Mr. President, there is bound to be some duplication. We are trying to reduce the duplication. Even under this amendment there will be duplication, because both services are training fliers to do exactly the same kind of thing in the elemental courses. The Army trains part of the Navy fliers and the Navy trains a part of its own fliers. The day will come some time when one service will train all fliers.

The Senator from Indiana [Mr. New] and myself argued that to the Senate at the time his aviation department bill was being considered. We proved to our own satisfaction, but not to that of the Senate, that it would be to the interest of the taxpayer to cut down overhead. There is an example right here at Bolling Field. There is one Government flying field. The Army has a repair shop there, the Army has hangars there, and the Army has officers and enlisted men. Four hundred yards away from that the Navy has a repair shop, the Navy has its hangars, and the Navy has officers and enlisted men, and when the naval aviators want to indulge in their prescribed flying in order that they may be entitled to flying pay they go over to the Army and ask them to let them fly their machines in order to qualify to get the advanced pay of a flier.

As a matter of fact, Mr. President, while it is a pretty thing to have around, there is no more use from the taxpayers' standpoint, there is no more use from a tactical standpoint that I can think of, for having a naval aviation station equipped with a fleet of boats here at Washington than there would be of having it at the top of Pikes Peak. It is not operated in conjunction with the fleet. It is not used as a training school to teach the personnel in the first instance, so far as I know, and it is not used to construct airplanes or flying boats.

Our attempt in this matter is not to injure anyone. Not one of the letters that have been put in the Record asserts that the amendment which has been agreed upon injures the Navy. But it will prevent the Navy from establishing a coast patrol up and down the Atlantic coast, running on exactly parallel lines with the Army coast patrols which must operate between the several coast-defense stations of the Army. The Army avia-



tion is compelled to assist the Coast Artillery posts up and down the coast where the fixed emplacements and the big guns are located. The Army aviation perform their reconnaissance duties for them. They patrol out from the Coast Artillery stations, and wireless or telephone back the signals to the forts who are members of the Army. They start out from these posts and go up and down the coast in time of war, keeping in constant touch with the Army that has control of the Coast Artillery stations and the mine fields.

There is no reason whatsoever in having another coast patrol and this amendment in part is to stop that duplication. It has been given up at this moment. The Navy is giving up its coast patrol under regulations, but it is astonishing how easy it is to amend regulations in order to permit two people to do the thing which one person alone can do.

The amendment will also stop what I think that the Navy does not want to do; it will stop the naval aviation from being used as a patrol for the forests. There is a provision in the Army reorganization bill which authorizes the Secretary of War to use the Army aviation to patrol the forest reserves for the next year. We simply want it so that if it has to be used to patrol the forest reserves the work will be done by the Army aviation, and that the naval aviation will not be used. That is the purpose of the amendment. There is nothing mysterious or dangerous or destructive about it. Neither of the Secretaries is apparently enthusiastic about it, and neither has pointed out what harm will be done the Navy.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from New York yield to the Senator from Colorado?

Mr. WADSWORTH. In just a moment.

Mr. THOMAS. I merely wish to ask that the amendment may be read again, so that we may be able to understand it.

Mr. WADSWORTH. I have assured the Senator from Washington that I would put in the RECORD a letter received from the Secretary of War by myself, dated May 21, on this question.

Mr. POINDEXTER. I would like to have the letter read at the desk.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Reading Clerk read as follows:

WAR DEPARTMENT,  
Washington, May 21, 1920.

MY DEAR SENATOR WADSWORTH: I venture to inclose a letter which has just come to me from Secretary Daniels with regard to the provision in the pending Army appropriation bill on the subject of air bases. I fully concur with Secretary Daniels in believing that an Army appropriation bill ought not to contain provisions of any sort with regard to naval operations, since naval authorities are not heard by the Military Affairs Committee, and their views are not, therefore, consulted. As I understood from our telephone conversation, you also agree to this view, and I supposed that you had accomplished the entire object of the Navy in the amendment worked out with Capt. Craven. I assume, however, from Secretary Daniels's statement that the Navy Department would still desire the entire elimination of my reference to the Navy, and for the reasons above stated I take pleasure in concurring in the Secretary's views.

Cordially, yours,

NEWTON D. BAKER,  
Secretary of War.

Hon. JAMES W. WADSWORTH, Jr.,  
United States Senate.

Mr. PAGE. Mr. President, the Senator from New York very kindly stated that the letter from Capt. Craven is entirely a back number, that it has no particular force after adding the few words that have been added by the amendment at the bottom of page 14.

The facts are that Capt. Craven, speaking for the Navy, accepted this amendment as possibly the best thing that could be done under the circumstances, but I wish to say that the amendment is not satisfactory to the Navy Department, that the amendment does not meet with the approval of the Secretary of War, as is shown by this letter, and that it does not meet the approval of the Secretary of the Navy. All I can say is that the department which seems to control on the part of the Army has stepped in and said not that this or that thing must be done, but let me read it so you can see how sweeping it is:

That hereafter the Army Air Service shall control all aerial operations from land bases, and that naval aviation shall have control of all aerial operations attached to a fleet, including—

And so forth.

If it is true that this is a duplication of work, instead of having this passed over to the Army, as is done by the bill, why do not the Army and the Navy Departments say that the Navy shall have control, as in my judgment they ought to have charge, of all matters pertaining to naval aviation? It is so objectionable to everyone with whom I have talked from the Navy Department that I think there must be some mistake on

the part of the Senator from New York in insisting that everything is cared for by these three or four lines. That is not the view of the Navy Department.

Mr. WADSWORTH. Will the Senator point out what is not cared for in this perfected amendment?

Mr. PAGE. The burden of proof is put upon the Navy to show that everything except the little matter mentioned in those three lines has been passed over to the Army.

Mr. WADSWORTH. It certainly did not alarm the head of naval aviation. He almost guided my pencil as I wrote it.

Mr. POINDEXTER. I understood the Senator a moment ago to state that Capt. Craven desired this entire provision to be eliminated.

Mr. WADSWORTH. He expressed that as a preference, but he certainly assured me and other members of the committee that if this perfected amendment in the bill were agreed to it would not hurt the Navy at all.

Mr. PAGE. I was present when Capt. Craven and the Senator from New York, the chairman of the committee, got together and tried to improve the provision, but the fact is that after they had improved it to the extent that they could, and had gone on to their different departments and sat down and studied it in cool blood, those representing naval aviation said they did not believe that we ought by one sweep to pass over everything beyond recall to a department that ought not to have taken consideration of naval aviation affairs at all.

Mr. SWANSON. Mr. President, I have listened to this discussion, and I have listened very carefully to the Senator from New York. Of course, the amendment offered by him does clarify the situation very much indeed and eliminates three-fourths of the objections contained in the amendment as it came to the House. But I wish to call to his attention the reason why the men in the Navy think this amendment will interfere with some of their operations.

During the war the Army and the Navy had a specific agreement as to aviation—as to what part the Army should do and what part the Navy should do and what they should do jointly. I will not refer to the Army part of the aviation, as this provision certainly could not under any circumstances interfere with that. This was the agreement during the war, or rather a memorandum of the understanding as to what they should do:

Naval forces: Operation from mobile floating bases or naval air stations on shore (a) as an arm of the fleet—

The provision as amended could not interfere with that part that was given to the Navy—

(b) for overseas scouting—

It could not interfere with that—

(c) against enemy establishments on shore when such operations—

Mr. POINDEXTER. Why does the Senator say it would not interfere with overseas scouting?

Mr. SWANSON. Because the Army would not do the scouting outside of the 3-mile limit.

Mr. POINDEXTER. We are speaking about what the situation would be. If the Army would not do it and the Navy is prohibited from doing it, then it is not done at all.

Mr. SWANSON. It is not prohibited from overseas scouting, but I will point out where it does seriously interfere.

Mr. POINDEXTER. I am not going to interfere with the course of the Senator's argument, except to point out at this particular juncture his statement that the amendment as now proposed by the Senator from New York would not interfere with overseas scouting. In my opinion it would interfere with it, because the amendment proposed by the Senator from New York limits the aviation service of the Navy to the stations that are connected with the operations of the fleet. Overseas scouting is not necessarily connected with the operations of the fleet.

Mr. SWANSON. In that way it might be, under that narrow construction, if that narrow view was taken.

Mr. WADSWORTH. I had assumed, as apparently had the author of the memorandum from which the Senator was reading—

Mr. SWANSON. This is my interpretation of the memorandum that was furnished to me.

Mr. WADSWORTH. Overseas scouting is a part of the operations of the fleet.

Mr. SWANSON. The third duty given the Navy, which a literal, narrow construction of this amendment would seriously interfere with, is the following:

(c) Against enemy establishments and on shore when certain operations are conducted in cooperation with other types of naval forces, or alone when their mission is primarily naval.

At the Navy Department those who have read this amendment tell me that if they endeavor to establish on shore a naval

base that they are afraid it would be so construed that they could not do scouting work in connection with it. The Comptroller of the Treasury might construe it that no money could be utilized for the purpose because it was given as a part of the naval functions during the war.

I can readily see when I read it that the establishment of a base which might be used for Army or naval purposes is not connected with operations of the fleet. If that is true, under a strict legal construction of this amendment as amended, the naval aviation would be powerless and could not be utilized for that purpose.

When we have this naval aircraft what is the use of putting in amendments to the effect that it can not be used for this purpose, which under a strict construction of it might so confine it that in time of war it could not be used? The Navy is compelled to build aircraft for that purpose, and if they should put the naval base down in Cuba in time of war, which was friendly to us, or on St. Thomas, and if an effort was made by the enemy, under a literal construction and if they did not broaden this construction, naval aircraft could not be utilized. That is a very serious objection to it.

The next is to protect coastal sea communications. Under that the Navy was given the right to patrol the coastal sea. We prohibit the Navy from doing any patrol on the coast. It is the function of the Navy. We make no appropriations for it and it has been abandoned. There is no duplication of work there. But supposing during a war submarines of the enemy would come inside the 3-mile limit, it ought to be the right of the aircraft to follow them and destroy them. They tell me that under a literal construction, unless a very broad construction was given to it, not connected with the operations of the fleet, if a submarine of the enemy was to come within the 3-mile limit and this amendment as perfected was in effect they could not utilize the Navy aviation. We have no desire to do that. We do not want a duplication of the patrol of the coast, and Senators felt that way about it, and they made no appropriation for that purpose.

Why should money appropriated and its use be limited so that if a submarine should come inside the 3-mile limit naval aircraft could not be employed for the purpose of its destruction?

#### (II) Convoy operations.

The Navy during the war had aircraft and vessels for convoying ocean vessels through and outside the 3-mile limit. The convoy was not conducted as a part of the operations of the fleet; it was an independent service.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I do.

Mr. WADSWORTH. Was not the convoy a part of the fleet?

Mr. SWANSON. A considerable portion of the fleet was in Hampton Roads; but why adopt an amendment to an Army appropriation bill which, if construed literally, would prevent naval aircraft convoying vessels for a certain distance at sea?

Mr. WADSWORTH. The Senator knows that the fleet includes all the vessels of the Navy?

Mr. SWANSON. But some of these convoys were armed merchant vessels.

Mr. WADSWORTH. But were they not naval vessels?

Mr. SWANSON. To some extent they were.

Mr. WADSWORTH. Were they not actually commanded by naval officers?

Mr. SWANSON. But what is the use of adopting any such legislation as that here proposed? Under the law that now exists the Army does all of the mining within the 3-mile limit; the Navy's mine operations are outside the 3-mile limit. When it is provided that the Army shall control the air service from land bases and that the naval air service shall be limited to specific operations, it might be construed as prohibiting the Navy from operating within the 3-mile limit.

(III) Attacks on enemy submarines, aircraft, or surface vessels engaged in trade prevention or in passage through the sea area.

If an enemy vessel should come within the 3-mile limit on the coast of the United States and naval aircraft were available, they ought to be permitted to destroy it, or at least to attack it; they should not be compelled to remain idle and await the action of the Army, because, after all, naval aircraft are, perhaps, better adapted to that purpose than are the Army aircraft. I think under a strict construction of the amendment that such action could hardly be taken by the Navy.

(e) Alone or in cooperation with other arms of the Navy, or with the Army, against enemy vessels engaged in attacks on the coast.

If an enemy vessel were to come to our shores, whether a war vessel or any other kind of a vessel, if it comes within the 3-mile

limit, I see no reason why Navy aircraft should not be permitted to attack it, and why they should not be permitted to engage in scouting work and be on the lookout for such enemy vessels. A literal construction of this amendment, in my opinion, would prohibit such activity on the part of the Navy, while a broad construction of it might not. The Navy has requested that its activities be not restricted in the manner proposed.

I think Gen. Mitchell, when he made the statement to which reference has been made in the hearings had before the House, was entirely unaware of some of the facts and aspects of the situation. If the Navy feels that the Comptroller of the Treasury in interpreting the provisions of the appropriation bill will decide along the lines indicated, I think it would be most unfortunate to add such a provision to the bill.

The Navy must develop aircraft so as to meet the submarines within the 3-mile limit, and to attack other vessels of the enemy that come within the 3-mile limit both here and in the Philippines; and it seems to me to put in a prohibition here to prevent their performing that useful service is not wise. It seems to me the right thing to do, if it is desired to prevent duplication, is to strike out this amendment; let the matter go to conference; and if there is any duplication which it is desired to get rid of, eliminate that duplication. In that event I will be with you; but it does seem to me unwise, in general terms, to put a limitation on the aerial activities of the Navy.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry? What is before the Senate?

Mr. LODGE. I move to strike out the proviso on page 14, beginning in line 20.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Massachusetts, which will be stated.

The READING CLERK. On page 14, line 20, after the word "appropriation," it is proposed to strike out the following proviso:

*And provided further, That hereafter the Army Air Service shall control all aerial operations from land bases, and that naval aviation shall have control of all aerial operations attached to a fleet, including shore stations whose maintenance is necessary for operations connected with the fleet, for construction and experimentation and for the training of personnel.*

#### AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. NORRIS. Mr. President, I desire to ask the Senator from New York [Mr. WADSWORTH], who is in charge of the pending bill, if he will agree to lay aside the unfinished business temporarily so that I may submit the conference report on the Agricultural appropriation bill? I should like to say to the Senator from New York in making this request that there is only one amendment in dispute, but it will be an amendment that will perhaps involve some debate, though I do not think very much. I shall also want a roll call on the final disposition of the report. I understand under the rule I can present the conference in any event, but that I can not have it taken up except by unanimous consent under the existing parliamentary situation.

Mr. WADSWORTH. Mr. President, I have every sympathy with the Senator from Nebraska in his desire to secure quick action on the conference report on the Agricultural appropriation, but it is my duty and the duty of the other members of the Committee on Military Affairs to secure quick action on the military appropriation bill, which has not yet reached conference. I understand that the matter in disagreement between the two Houses on the Agricultural appropriation bill is the famous matter of the free distribution of seeds, and I anticipate that the debate to which the Senator from Nebraska has referred may last a little longer perhaps than he thinks.

Mr. NORRIS. As representing the conferees on the part of the Senate, I desire to say to the Senator from New York that I do not expect to debate the amendment further than to state the question and to obtain a vote of the Senate thereon. There may be, however, other Senators who will desire to debate it.

Mr. WADSWORTH. But the Senator says there will be a roll call, which will probably involve the calling for a quorum. We are just about to vote on the amendment of the Senator from Massachusetts [Mr. LODGE], and after that I think there are only a couple of other amendments left to the bill, which may be disposed of in a short time. If the Senator will let me get the Army appropriation bill out of the way, I shall be glad to have the conference report to which he refers considered.

Mr. HARRISON. Mr. President, I merely wish to say to the Senator from New York that I expect to make a motion to recede from the Senate amendment. I do not intend to debate it at all, but merely desire a vote, in order to get the matter out of the way, unless some other Senator desires to speak.

Mr. WADSWORTH. Is it the intention of the Senator from Nebraska to ask for the yeas and nays on the adoption of the report?



Mr. NORRIS. Yes; there will be a record vote. Of course, I am not going to attempt to secure action on the report without the consent of the Senator from New York.

The PRESIDING OFFICER. As the Chair understands, the Senator from Nebraska has not submitted a request for unanimous consent for the present consideration of the conference report?

Mr. NORRIS. No. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 93 to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921.

The PRESIDING OFFICER. The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 93 to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, having met, after full and free conference have been unable to agree.

A. J. GRONNA,

G. W. NORRIS,

*Managers on the part of the Senate.*

G. N. HAUGEN,

J. C. McLAUGHLIN,

GORDON LEE.

*Managers on the part of the House.*

Mr. WADSWORTH. Mr. President, I shall have to deny unanimous consent on that question, although I regret to do so.

The PRESIDING OFFICER. The Senator from Nebraska does not need to ask unanimous consent to submit the report.

Mr. NORRIS. The Senator from New York does not object to my presenting the report, does he?

Mr. LODGE. That is a privileged question.

Mr. NORRIS. That is a privileged question.

Mr. WADSWORTH. I do not object to that. I object to taking up the report for consideration.

Mr. NORRIS. If the Senator feels that way about it, I shall not insist on the report being considered at this time; but I give notice that to-morrow after the morning hour, or immediately after the disposition of the morning business, I shall call up the conference report for consideration.

Mr. SMITH of South Carolina. May I ask the Senator before he takes his seat if the report presented by him is a final report on the Agricultural bill?

Mr. NORRIS. I can not say that it is. It is a report of disagreement on the only amendment that is left in conference.

Mr. WARREN. The bill has been sent back to conference and there is only one amendment in disagreement. The bill went back to conference, and the conferees now submit another report.

Mr. NORRIS. The last report submitted by the conferees embraced two other amendments, which have been disposed of.

Mr. WARREN. A report was made as to those items and it was accepted; but one item was left in disagreement, so that conferees were again appointed, and they have met again.

Mr. NORRIS. We have met again and present another report.

Mr. WARREN. The conferees have met, tried out the case, and find they can not agree, so they now report the disagreement to the Senate.

Mr. NORRIS. Yes; that is right.

#### ARMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts.

Mr. THOMAS. Mr. President, the object sought to be obtained by this amendment was too clearly stated by the Senator having charge of the bill to need any further elaboration. It appears to me that the objections made to his statement are founded upon conditions which are largely, if not entirely, imaginary, certainly under conditions which have any existence in time of peace. If we should be so unfortunate as to encounter another war in the near or the distant future and any embarrassments resulting from this measure should confront the Navy Department, it would be the easiest thing in the world to remove them.

The fundamental object of the amendment is economy, unity, and efficiency in service. I can conceive of nothing more in-

congruous in legislation than the possibility of such a duplication of the Air Service as to give the Navy Department jurisdiction over the forests of the interior. However, the point I wish to emphasize, Mr. President, is that this discussion has, to my mind, clearly demonstrated the need for placing the Air Service in a separate department authorized to take jurisdiction of and to administer it in all its branches. I think it demonstrates the wisdom of the bill which is now pending, offered by the Senator from Indiana [Mr. New], to which he has devoted a great deal of thought, and regarding which he at one time addressed the Senate. Of course, nothing of that kind is at present possible. The suggestion has encountered the combined opposition of both departments, and probably always will; but the ultimate solution of the problem will come when its vast importance is duly appreciated and the conflict of authority and the duplication of administration indicate the necessity of an independent air service, as in years gone by the need was indicated for the separation of the Navy from the War Department.

Mr. LODGE. Mr. President, will the Senator yield for a moment?

Mr. THOMAS. I am through.

Mr. LODGE. I merely wish to say to the Senator in connection with what he has just said that I specifically stated that I was not discussing the question of consolidation.

Mr. THOMAS. I am aware of that.

Mr. LODGE. The consolidation proposed by the Senator from Indiana is a wholly different question.

Mr. THOMAS. The Senator so stated, and I understood him fully.

Mr. NEW. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. THOMAS. I yield the floor.

Mr. NEW. Mr. President, if I may trespass for a few moments on the time of the Senate, I should like to add just a word or two to what the Senator from Colorado [Mr. THOMAS] has said. I think this whole discussion ought to be an object lesson to the Senate itself, but I am pessimistic enough to doubt that that will be its effect.

It is perfectly apparent here that there is involved here the same old question of a difference of opinion between the Army and the Navy. The Senator from Vermont cites a letter from the Secretary of the Navy in which that official refers to this whole matter from the standpoint of the Navy, while the Secretary of War has written another letter, which has been presented here and is now a part of the record in this case, in the course of which the Secretary of War speaks of the objection to the consideration of a naval matter by the Committee on Military Affairs.

I should like to ask the Secretary of War, or the Secretary of the Navy, or any Senator here present, how you are going to refer a matter affecting the aviation service to any given committee of the Senate without in some degree trespassing upon the function of some particular department with which that committee is not in any way connected, and which it does not represent.

If this subject had been referred to the Committee on Naval Affairs, some objection would have been raised by the Army, as it has now been raised by the Navy, because of its consideration by the Committee on Military Affairs, and the Senator from Vermont would find himself and his Naval Affairs Committee assailed for having trespassed upon the functions and affairs of the Army; and so it is, and so it will ever be, until there is a separate department of aviation and a separate committee of each House to consider these questions as they very properly should be considered.

The Secretary of the Navy, Capt. Craven, and the others who have appeared here and who have spoken or written of this subject, speak of it from the Navy standpoint as it affects the question—

Mr. PAGE. Mr. President, may I ask the Senator a question right there?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. NEW. Yes.

Mr. PAGE. Is it not true that the Army and the Navy are both in absolute accord about this matter, and are not both opposed to the amendment offered by the Senator from New York?

Mr. NEW. Oh, yes; they are in absolute accord on what? They are in absolute accord on the one fact that neither one of them wants to give up anything that his particular department has. That is all. That is the extent to which they are agreed.

Mr. PAGE. But in this case the Secretary of War declines to interfere with the action of the Secretary of the Navy in matters which pertain purely to the Navy.

Mr. NEW. Yes. That is, as the Senator from New York suggested, a case of secretarial reciprocity. That is senatorial courtesy in the Cabinet.

It is exactly true, however, that the Secretary of the Navy and those officers connected with the Navy who have testified on this subject are viewing it from the standpoint of the interests of the Navy, if you please; those who come to speak from the Army are representing the interests of the Army, and neither one of them is speaking from the standpoint of the interests of aviation. They are each considering the whole subject as an adjunct of his particular department, his particular line, and neither of them is regarding the thing from the standpoint from which it should be regarded, and that is as a thing separate and distinct from either of their departments.

Mr. PAGE. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from Indiana further yield to the Senator from Vermont?

Mr. NEW. Yes; I yield.

Mr. PAGE. I should like to ask the Senator what he thinks about the courtesies he suggests when he proposes to take a matter that is very vital to the Navy, and, without a single reference on the part of the Committee on Military Affairs to the Navy, proposes to take away the functions of the Navy and transfer them to the Army without their consent?

Mr. NEW. Mr. President, this does not take away anything, and so far as that is concerned, I want to say now that for months and months I have been endeavoring here to get, just as a matter of agreement, a committee composed of members of the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on Post Offices and Post Roads, which might sit down and just as a matter of common agreement consider this whole question as one appertaining to aviation, as it concerns and affects all three of these services, and see if we could not agree among ourselves upon some kind of a program, some suggestion that we could make to Congress; and I have not yet been able to get that committee appointed. I never have been able to get it together. Months ago a request was made for the appointment of a committee on aviation, which should deal with this whole subject as it should be dealt with, as one pertaining to aviation and aviation alone. It has been impossible to get such a committee, and here we find ourselves, after months of consideration of this question, right up against the old proposition, the Navy objecting to the consideration of a question by the Committee on Military Affairs. I have no possible doubt that the Army would be quite as vociferous in its objection to a reference to the Committee on Naval Affairs and I think the Post Office Department probably would resent anything that might be decided by either of the other committees, and certainly they would object to anything that might be suggested by the Committee on Post Offices and Post Roads; and there you are.

Congress is perhaps as much to blame for the lack of progress by this country in this most important matter as is anybody else through our failure to apply the only remedy that I think can be applied, and that is by the appointment of a separate committee which can consider this thing independent of the interests of any particular branch of the service and to deal with it on its own merits.

Mr. POINDEXTER. Mr. President, the argument that has just been made by the Senator from Indiana [Mr. New] in favor of the unification of aviation control is a very strong argument for the adoption of the amendment proposed by the Senator from Massachusetts [Mr. Lodge] to strike this clause out of this bill and to leave this subject for consideration in a more fundamental way until there is an opportunity by the Senate to determine the question of whether or not there shall be a department of aviation independent of either the Army or the Navy.

It certainly is very inconsistent, if one believes in an independent aviation control, to proceed in the meantime, and before that control has been established, to give the Army jurisdiction over branches of the service which are now controlled by the Navy. That is no advance toward independent control. The Senator from Indiana has just said it should be independent of the Army and should be independent of the Navy. How are we arriving at any such independent control by giving the Army an extended jurisdiction over a service which is now part naval and part military?

There is another suggestion made by the Senator from Indiana to which I want to call attention. It was also made by the Senator from New York [Mr. Wadsworth]. In fact, I think it was made first by the Senator from New York. He said, in response to the Senator from Vermont [Mr. Page], that this amendment would not take anything from the Navy.

Well, if it would not take anything from the Navy, why is it proposed? If it does not take anything from the Navy, if it leaves the naval service just as it was before, then we are engaged in a futile discussion, and the amendment of the Senator from Massachusetts ought to be adopted, because the provision, if passed, according to both of its sponsors here, would have no effect. It would simply add to the uncertainty and confusion of this controversy between the two departments.

So far as the duplication of work is concerned, the Senator from New York called attention to Bolling Field, the hangars and machine shops of the Army and of the Navy on this same field, and the cadets in the aviation service of the Navy asking permission to fly the airplanes of the Army at this field.

The adoption of this amendment would not change that situation in any way. There is nothing in the amendment, even though it should have the effect that is apprehended, that would prevent the Navy from still maintaining the aviation service at Bolling Field in connection with the fleet of vessels which are gathered at the navy yard and in connection with the operation of naval vessels to and from the navy yard up and down the Potomac.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. POINDEXTER. I yield to the Senator.

Mr. WADSWORTH. I had not meant to have it understood that I thought this amendment would prevent naval aviators from doing their service flying in Army machines. I merely indicated that as one of the forms of duplication, and indicated Bolling Field as a duplication of overhead which I hoped some day would all be stopped by having one service; that is all.

Mr. POINDEXTER. I think there is a great deal to be said in favor of the object that the Senator from New York has just stated; but the point I am making is that we are making no progress toward attaining that object by the provision which is now sought to be stricken out. The Senator from New York has repeated, in his last utterance here on the floor, that these conditions that he has used as an illustration would not be improved by the adoption of this provision.

Mr. WADSWORTH. Oh, I think they would be vastly improved. I think they would not be entirely eliminated.

Mr. POINDEXTER. I understood the Senator to say that they would not be changed in any way at all.

Mr. WADSWORTH. Just as to the specific thing which the Senator had mentioned a few minutes before. That would not be changed, but there are many other things which would be prevented.

Mr. POINDEXTER. Now I want to point out just what effect it seems to me this provision would have upon the naval aviation service.

There has already been established between the War Department and the Navy Department a committee called the Joint Army and Navy Aeronautical Board for the purpose of coordinating the air service of the Navy and of the Army and avoiding duplication. That was referred to by the Senator from New York a moment ago when he said that a good deal of this duplication had been eliminated. He stated, I believe, that the coast patrol which heretofore had been maintained by the Navy had now been turned over, by voluntary agreement between the Army and the Navy, to the Army; so that no legislation is necessary to accomplish that, and all other duplication has been eliminated by this board that I have just named.

I have here the division of the branches of the Air Service which has been agreed upon by this board between the two departments. The program is as follows:

- Army aircraft: Operations from bases on shore:
- (a) As an arm of the mobile Army.
  - (b) Against enemy aircraft in defense of all shore establishments.
  - (c) Alone or in cooperation with other arms of the Army or with the Navy against enemy vessels engaged in attacks on the coast, such as—
    - (I) Bombardment of the coast;
    - (II) Operations preparatory to or of landing troops;
    - (III) Operations such as mine laying or attacks on shipping in the vicinity of defended ports.

All of that program of the Air Service, by the voluntary agreement of the joint Army and Navy Board, has been turned over to the Army. No legislation is necessary in order to accomplish that.

In this same program the following has been allotted to the Navy:

- Navy aircraft: Operations from mobile floating bases or from naval air stations on shore—
- (a) As an arm of the fleet;
  - (b) For overseas scouting;
  - (c) Against enemy establishments on shore when such operations are conducted in cooperation with other types of naval forces or alone when their mission is primarily naval;



- (d) To protect coastal sea communications by—
- (i) Reconnaissance and patrol of coastal sea areas;
- (ii) Convoy operations;
- (iii) Attacks on enemy submarines, aircraft, or surface vessels engaged in trade prevention or in passage through the sea area.
- (e) Alone or in cooperation with other arms of the Navy or with the Army against enemy vessels engaged in attacks on the coast.

All that is entirely without regard to the operations of a fleet. The fleet might be a thousand miles away, and yet these services would be allowed under this program of the allotment to the branches of the service to be performed by the Navy. I continue reading:

Marine aircraft: The functions normally assigned to Army aircraft shall be performed by the marine aircraft when the operations are in connection with an advance base in which operations of the Army are not represented. When Army and marine aircraft are cooperating on shore, the control of their operations shall be governed by the one hundred and twentieth article of war, United States Army.

If there is to be an independent air service, whether under a board or an independent director or under a department, that is one thing, and it is a very different thing from transferring the powers of one department to the other department. If the functions of one department are to be transferred to the other department, why transfer the naval service to the War Department? Why not reverse it and transfer the Army service to the Navy? You would secure just as much unity of control in that way as you would by transferring the naval air service to the Army. Is there anything in the aviation records of the War Department which would lead to a selection of the War Department in preference to the Navy Department, if you are going to give either one the predominance in the air service of the country?

Mr. NEW. Yes.

Mr. POINDEXTER. The Senator from Indiana says "yes." I suppose he has in mind the fact that the War Department expended a large part of over a billion dollars appropriated and did not get a battle plane of our own make in France. We are somewhat familiar with that record. There is no doubt that the personnel of the Aviation Service of the Army acted in a most creditable way. The training of the men in certain respects was very commendable and the qualifications of our trained flyers were very fine. But the trouble was that under the War Department management they did not have any American battle planes to fly in, and hundreds of them who had been trained at great expense by the Government spent months waiting in France for an opportunity to fly, but the War Department furnished them with no American planes in which to fly.

Mr. NEW. Mr. President, if the Senator from Washington will permit me, of course, I had no reference whatever to the disastrous program for the manufacture of planes which we carried on here during the war; but in answer to the Senator's query as to whether there is a greater reason for giving the control to the War Department or to the Navy Department, if it is to be given to either, I would say that the reason is found in the fact that the Army employs a great many more men and the Army service is several times bigger than the Navy service. The Army can do practically everything that the Navy does, and the Navy can do very little that the Army does. The argument, if it is to be given to either one as against the other, is altogether with the Army.

Mr. POINDEXTER. It is, so far as numbers of men and amount of money appropriated are concerned, but otherwise, so far as the quality of the service is concerned, I do not think the argument is altogether with the Army.

Mr. NEW. I do not think it should be with either.

Mr. POINDEXTER. I do not think necessarily the decision ought to depend on mere size or mere numbers of men.

But that is really aside from the question, as I think this whole provision is aside from the question of the unification of the air-service control. The Navy is not asking that any part of the Army service be transferred to the control of the Navy.

The peculiar situation exists that although the Secretary of War and the Secretary of the Navy are both opposed to this amendment, by some influence, some representations that were made to the committee in the House of Representatives which put this provision in, and which I may say is very much improved, I think, from the standpoint of fairness to the Navy, by the amendments proposed by the chairman of the Senate committee—it is a peculiar situation, that so far from the Navy asking any extension of control of the air service, it is only asking to be let alone, and the head of the War Department is asking the same thing, but nevertheless some influence was exerted upon the House committee, without calling any representative of the Navy Department and giving that department an opportunity to be heard, to present that phase of the question, an amendment has been brought here which if adopted as originally passed by the House and sent to the Senate would revolutionize the relations between these two departments of

the Government, and would do so without giving an opportunity for presenting the essential and vital facts upon which the entire matter ought to be decided.

I am told that the head of the Army Air Service has been engaged for a considerable time in agitating this question of a unification of the control of the Air Service, and that it was through his activity and his testimony that this provision for extending the Army control was inserted by the House.

To show the unreliable character of the information upon which, apparently, this provision was inserted, I have here the following statement, furnished to me by an officer of the Navy Air Service, and which I submit on his authority, and not upon mine, which shows that Gen. Mitchell's testimony before the House committee contained a great many errors as to important facts.

Gen. Mitchell, so it is asserted here, argued before that committee that there were a number of unnecessary stations under the control of the Navy in which the Army work was duplicated, and he named Rockaway; Yorktown; Hampton Roads; Coco Solo, Canal Zone; Anacostia, D. C.; New London, Conn.; Dutch Flats, Calif.; Boston, Mass.; Narragansett Bay; Culebra, Canal Zone; Portsmouth, N. H.; Hawaii; and Philadelphia.

Mr. NEW. Mr. President—

The VICE PRESIDENT. Does the Senator yield to the Senator from Indiana?

Mr. POINDEXTER. I yield.

Mr. NEW. I merely wish to inquire of the Senator from Washington if he does not think that that in itself argues a rather remarkable state of facts, that those naval aeronautic stations should have been discontinued and the head of the Army aeronautical service not advised of the fact? Is not that of itself proof conclusive that there is an utter lack of cooperation and coordination between the Army and the Navy?

If the Senator will permit me just one further word, I think, in justice to Gen. Mitchell, it ought to be said that the Senator does not accurately represent his contention. His argument is in favor of a separate service altogether, not definitely locating it with the Army, but a separate service altogether.

Mr. POINDEXTER. In response, apparently, to his information and his testimony, it was to be located, according to this provision, with the Army and put under the Army control. That is the express provision which is the subject of this discussion.

The Senator asked me if this statement on the part of Gen. Mitchell as to the existence of stations which had been abandoned did not indicate a lack of coordination of the services. It certainly indicates a lack of information on the part of the Army of the aviation service of the country, and it certainly does not afford any argument in favor of conferring upon a department which displays such an astounding lack of information about the condition of the aviation service this extended authority which would be given to it by this amendment, even as it is modified by the Senator from New York [Mr. WADSWORTH].

It may be, and I accept the correction, that Gen. Mitchell proposes to have an independent service and does not urge that the services be consolidated in the War Department. All that I say is that apparently upon his testimony the War Department was given this jurisdiction.

Quoting from a letter from the Naval air service addressed to the Senator from Virginia [Mr. SWANSON], it is said:

It may be noted that the Culebra that the Navy has in mind is not the Culebra of the Canal Zone, but the island of Culebra in the Danish West Indies, to the east of Porto Rico. The general then goes on to show a saving due to reduction in personnel necessary to operate these stations. He stated that this saving amounted to \$1,625,000. This statement is entirely incorrect and misleading, for at certain of the above-named places no complement of personnel is intended by the Navy. Therefore I fail to see what right Gen. Mitchell has to assign a complement of personnel to these stations and to claim that they are a duplication because of the presence of such personnel. The Navy has no air stations at the following above-named places: New London, Boston, Yorktown, Narragansett Bay, Culebra, and Portsmouth. The Navy has intended to have at these places facilities only for hauling out boats when aviation is cooperating with surface craft.

Mr. President, the Senator from New York stated, I think, at one time, that this proviso would not take from the control of the Navy any branch of the service which it is now conducting, but I think at other times in his argument, rather in conflict with that, he pointed out certain branches of the service which it would take from the Navy. It is either one or the other. If it takes none, then it is useless; if it takes any, then it is making an important change without a hearing.

Mr. WADSWORTH. Of course, the Senator knows I meant legitimate uses of naval aviation.

Mr. POINDEXTER. I accept that statement of the Senator and, of course, what are the legitimate uses is a matter of conflicting opinion.



If we accept the judgment of the joint board which was established as the representative of the two departments, then this provision takes away a number of the legitimate functions of naval aviation. For instance, in this program which has just been marked out by the board, as I have stated, operations "against enemy establishments on shore when such operations are conducted in cooperation with other types of naval forces, or alone when their mission is primarily naval," would not necessarily be in connection with the operations of a fleet. This proviso limiting the Navy control to such services as are in connection with operations of a fleet would prevent the Navy from carrying out this program.

Quoting further from the naval program agreed upon by the joint board—

Reconnaissance and patrol of coastal areas.

That has been allotted to the Navy, exclusively to the Navy, under the voluntary arrangement between the two departments, and yet the amendment, even as amended by the Senator from New York, would deprive the Navy of that control.

So as to convoy operations, unless they were in connection with the operations of a fleet. It might be considered that the escort of a convoy constituted a fleet, but there could very readily be a construction contrary to that, as has been pointed out here by the Comptroller of the Treasury, who might hold that such service was not in connection with the operations of a fleet.

Mr. WADSWORTH. The Senator must know that the term "fleet" includes every vessel in the Navy.

Mr. POINDEXTER. I do not understand that at all. Suppose we have a couple of vessels engaged in escorting a convoy, or a single vessel, even; I do not understand that that would be considered necessarily as a fleet.

Mr. WADSWORTH. Not a fleet, but it is a part of a fleet. The Senator can not mention a naval vessel by name that does not belong to the fleet.

Mr. POINDEXTER. That is a very broad construction and would not necessarily be the definition that would be given by the accounting officers of the Government. I do not think that it is the ordinary definition, and if the Senator will pardon me, I do not think it is an accurate definition of the word "fleet." According to that, any tugboat, isolated as it might be in some port, would be a part of a fleet.

It is only a part of a fleet when it is operating with a fleet. We might have a number of fleets. We have vessels in the Pacific that might properly be designated the Pacific Fleet. We have vessels operating together in the Atlantic described as a fleet, but I do not accept the definition of the Senator from New York that every detached vessel of our naval equipment, of whatever size or character, or whatever work it may be engaged in, that is under the control of the Navy Department, constitutes a fleet or a part of a fleet.

Here is another division of Air Service allotted to the Navy by the joint board:

Attacks on enemy submarines, aircraft, or service vessels engaged in trade prevention, or in passage through the sea area.

Our fleet might be in the south seas. The enemy submarines might be in the north Atlantic. The only recourse, the only defense, the only means of protection that might be available might be by naval airplanes; and if they could not operate under the law except in connection with operations of the fleet, when the fleet was a thousand miles away, it seems to me it would be a somewhat strange state of the law which by this provision would forbid the Navy from engaging in that proper naval operation.

So it seems that the amendment of the Senator from Massachusetts [Mr. LODGE] ought to be adopted, and the provision ought to be eliminated, and the matter ought to be left for consideration upon the proposal of the Senator from Indiana [Mr. NEW], supported by the Senator from New York [Mr. WADSWORTH], for the consolidation of all of the various aerial services of the Government under one head, and until that time has come that we should not complicate the situation by allowing the Army to invade the field of the naval service.

Mr. WADSWORTH. Before the question is put I should like to offer an amendment by way of a perfecting amendment, though perhaps that is not exactly an accurate description of it. I call it to the attention of the Senator from Washington. In line 21, on page 14, after the word "hereafter," I move to insert the words "in time of peace."

Mr. LODGE. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. WADSWORTH. In line 21, same page, after the word "all," I move to insert the word "military." That is to prevent any conflict with the coastal department.

Mr. LODGE. There is no objection to that amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. POINDEXTER. I should like to have the proviso read as now amended.

The VICE PRESIDENT. The Secretary will read the proviso as amended.

The Assistant Secretary read as follows:

And provided further, That hereafter in time of peace the Army Air Service shall control all military aerial operations from land bases, and that Naval Aviation shall have control of all aerial operations attached to a fleet, including shore stations whose maintenance is necessary for operations connected with the fleet, for construction and experimentation, and for the training of personnel.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts to strike out the proviso as amended.

On a division, the motion was agreed to.

The ASSISTANT SECRETARY. The next amendment passed over will be found on page 15, where the Senate committee proposes to strike out lines 20 to 25, inclusive, as follows:

For the acquisition, by purchase, condemnation, or otherwise, of 640 acres of land, more or less, and the appurtenances thereunto belonging, situate in Macomb County, State of Michigan, now occupied by the Air Service of the Army as an aviation station, and known as Selfridge Field, not to exceed \$190,000.

Mr. TOWNSEND. Mr. President, I hope that the amendment will not be agreed to. This provision was adopted by the Senate at one time and failed to receive consideration in the House. The House Committee on Military Affairs incorporated it in the bill and the Senate committee disagreed to it. It was not considered by the Senate committee, as I understand the matter, but went out on the theory that it properly should be considered by the Committee on Appropriations in connection with the sundry civil appropriation bill.

I paid no attention to it myself, because when the House adopted it, knowing that the Senate had agreed to it heretofore, I took no further interest and did not notify the committee that I hoped it would be retained. When I learned that the Senate committee had stricken it out, I then went to the committee. I went to the Committee on Appropriations, which was then in session, thinking that it would be placed in the sundry civil appropriation bill, if true that the objection to it was that it properly belonged there. I was then told that inasmuch as it had passed the House and was on the Army appropriation bill it would be better to bring it up here and ask the Senate to disagree to the committee amendment.

I will briefly state the facts in the case. This item proposes an appropriation of \$190,000 to purchase Selfridge Field, between Mount Clemens and Detroit, Mich. It is a field consisting of 640 acres of land, upon which the Government has already expended something over \$2,300,000. It has an option from the owner of the property to purchase it at \$190,000. It was not purchased at that time, but condemnation proceedings were instituted. When I asked the department why condemnation proceedings were instituted, I was told that they did not wish to be subjected to any criticism in the purchase of any property of this kind, and therefore they thought it best to institute the proceedings, because if a jury should find that it was worth more than \$190,000 the option would compel the owner to sell for that sum anyway.

Mr. President, this property is worth a great deal more than \$190,000. The owner of the property is not insisting at all that the appropriation shall be made, although he is perfectly willing that the Government should have the field, which was prepared for this particular service. I am satisfied myself that if the Government did not intend to use the property as a flying field it would still be the duty of the Government to buy it and dispose of it for a larger sum than the cost price. I am told that the property would sell to-day for at least half a million dollars and probably for a larger sum.

I repeat that the Government expended over \$2,300,000 on the field. If we are to embark in the flying business in this country, if we are to conduct aircraft experiment and conduct an aircraft division under the Government, it seems to me we need this field near Detroit.

Mr. THOMAS. May I ask the Senator what the distance is from Detroit to this field?

Mr. TOWNSEND. I have never been to it.

Mr. THOMAS. Approximately?

Mr. TOWNSEND. I should think perhaps 12 or 15 miles. It is between Mount Clemens and Detroit. It is on the Lake front. It is a very valuable piece of property as it has now been arranged. It is in the north central region of the country. The aircraft department believes that we need an aerodrome there and that we need the field for the purpose of training



fliers. It is in the very center of aircraft production. There is opportunity there for constructing planes, for training men, and the public interest is very great indeed. I believe it is conceded, at least from all the information I can obtain on the subject, that it is one of the best located fields in the United States. May I just read a letter that was submitted to me in the form of a memorandum of this subject? It is directed to me, and is as follows:

1. The Air Service is desirous of acquiring Selfridge Field and the fundamental considerations still exist and point particularly to the necessity for its retention, owing to its strategic location, both from a military and an aircraft producing standpoint. The following are some pertinent facts relating to Selfridge Field:

(a) Acreage, 640; cost of construction, \$2,385,770.53; cost to acquire, \$190,000.

That is the option price; that is what it will cost the Government to obtain it.

Annual rental—

We do not own it—

\$13,500.

(b) This field was one of the group selected by the General Staff of the War Department for retention by the Air Service.

(c) The subcommittee of the House Military Committee which investigated the purchase of fields for the Air Service recommended Selfridge Field for retention. A bill for the purchase of this field was passed by the House recently and several months ago was passed by the Senate.

(d) Selfridge Field is the only field in the north central section of the United States, and it is very essential that an aerodrome be maintained in this locality on account of its strategic value. This field is a terminus of a chain of Air Service stations for aerial communication through the east Central States, north and south.

(e) The Air Service desires to use Selfridge Field for the organization, training, and maintenance of aero squadrons in pursuit and aerial gunnery. This field is located on Lake St. Clair, and due to the fact that the water is very shallow in that vicinity the Air Service would be able to carry on aerial target practice without danger to the civil population and without any additional expense to the Government in providing facilities for such training.

(f) There are a large number of reserve military aviators in the north Central States; and, in order that these reserve pilots may keep up their flying training with a minimum of expense to themselves and a maximum of result to the Government, it is necessary that a flying field be retained in this part of the country. Should the War Department organize reserve aero squadrons at some future date a field would be needed in this locality, and it is believed that Selfridge Field fully meets all the requirements for such purposes.

(g) In view of the cost of construction of this flying field and the investment of the Government, it is believed that it will be economical to the Government to acquire this field for permanent use.

2. The above reasons, although previously presented to the Committees on Military Affairs, both of the Senate and House, in connection with H. R. 8819, are in no way modified by any conditions which have arisen since that time.

W. E. GILLMORE,

Colonel, A. S. A., Chief, Supply Group.

Mr. President, I repeat if I had known that there was any question in reference to the favorable consideration of this item by the Committee on Military Affairs, I should have appeared before the committee; but assuming that what the Senate having done they would do again, especially as the House had passed it, and recognizing the fact that the property itself is now worth much more than the Government is called upon to pay for it, I have felt that it was entirely proper that the Senate should understand the situation, and, understanding it, I had hoped that they would agree to this amendment and permit this item to be retained in the bill as the House has inserted it.

Mr. WADSWORTH. Mr. President, the Committee on Military Affairs has had a most difficult time keeping track of these purchases of land. The Committee on Appropriations has had an equally difficult task. The time was when permanent investments on the part of the Government for the use of the Army were handled, as I understand, by the Committee on Appropriations. Especially was that true when any matter involving the purchase of real estate was concerned.

It is true, of course, that the Military Affairs Committee has often reported appropriations for the erection of buildings upon land already owned by the Government. Some of the members of the Committee on Appropriations have been complaining during the last year that the practice of the Committee on Military Affairs of giving consideration to questions affecting land purchases ought to stop or else the Committee on Military Affairs ought to take over the whole subject. During the war, of course, when hurry calls came from the War Department, their first and easiest channel of approach was through the Military Affairs Committee, and we abandoned, as most of the other committees of the Senate abandoned, all previous customs and divisions of functions. So the Committee on Appropriations appropriated money for the purchase of land for the Government to be used by this or that department, and the Committee on Military Affairs reported appropriations to enable the Government to purchase land for the Army. Of course, that procedure can not go on; it is utterly impossible to do business

in that way. Some one committee has got to know how much land the Government is buying for all purposes.

So, as I have said, there has been a good deal of impatience expressed, notably by the chairman of the Committee on Appropriations, who is also a member of the Committee on Military Affairs. He has said many times in the Committee on Military Affairs that it is utterly impossible for him to keep track of both committees at the same time, as very often they meet at the same hour, and different conferences are going on at the same time, all involving purchases of this kind.

Accordingly the Committee on Military Affairs, so far as it is able to do such a thing, agreed to go back to the old policy of refusing to appropriate money for the purchase of land and allowing such matters to be taken care of by the Appropriations Committee. Therefore, we struck out of the pending bill the provision for the purchase of Selfridge Field; we struck out of the bill the item for the purchase of land at Leon Springs, Tex.; and we struck out of the bill the appropriation for the purchase of a little piece of land in Boston, on the theory that those matters should be taken care of in the sundry civil bill. I think we would not have done so in any one of those three cases had there really been a great emergency connected with the proposals for the purchases, but, as we understand, there is no real emergency in the matter of Selfridge Field or Leon Springs or Boston. I understood the Senator from Michigan to say that a bill for the purchase of Selfridge Field had gone through both Houses of Congress.

Mr. TOWNSEND. The letter which I have just read from Col. Gillmore states:

A bill for the purchase of this field was passed by the House recently—

Mr. WADSWORTH. Yes.

Mr. TOWNSEND. The letter continues:

And several months ago was passed by the Senate.

I assume that Col. Gillmore knows what he is talking about.

Mr. WADSWORTH. If the bill passed the House recently, how could it have been passed by the Senate several months ago?

Mr. TOWNSEND. It passed the Senate first, I take it, without receiving any consideration by the other House, or some similar bill passed, or a bill in some other form. I have not looked the matter up, but the House has now passed the legislation and it comes to the Senate for action on the pending bill.

Mr. WADSWORTH. I think Col. Gillmore is mistaken as to that. The only bill of which I have any recollection that has had to do with the purchase of fields or the completion of construction at fields is one a copy of which I hold in my hand, Public No. 151, Sixty-sixth Congress, which was originally House bill 8819, which was approved February 28, 1920—last winter. That carries an item of \$35,000 for some general construction at Selfridge Field, but it does not provide for buying the field. It is that bill, a copy of which I have, which contains the appropriations for the purchase or the completion of the purchase of the fields which the War Department stated they must have. After much discussion, both in the House and in the Senate, with which, so far as the Senate is concerned, the Senator from Wisconsin [Mr. LENROOT] is thoroughly familiar, the bill was made up, and Selfridge Field was not included as one of the fields the purchase of which should be completed. The General Staff in their recommendations for appropriations to be given by Congress carry Selfridge Field to-day as one of those fields awaiting the declaration of the policy of Congress with respect to it. So Selfridge Field has been in the balance, so to speak; the department has been waiting to see what Congress was going to do, and Congress has not thus far pledged itself or declared its policy in connection with its purchase.

Mr. TOWNSEND. Mr. President, I recall very well when the so-called emergency bill was before the Senate. I raised the question at that time when the Senator from Missouri [Mr. SPENCER], as I recall, had charge of the bill. I think the committee was then favorable to the purchase of Selfridge Field, but that was a sort of emergency bill. They appropriated \$35,000 to complete some improvements on this particular piece of land, but I have never known, from any source, anything but approval of the proposition to purchase Selfridge Field. I have called up the department, and they are all favorable to it. I have presented the proposition largely from a business standpoint. There can be no denial, in my judgment, of what I have stated with reference to the value of this property.

I desire, however, to speak concerning the parliamentary situation for just a moment. Perhaps there will be no virtue in so doing, but I wish to repeat what I have said before, that I first took this matter up with the committee headed by the Senator from Missouri, but I was told that only emergency matters were to be considered and that it must wait until the general military appropriation bill was before the Senate.



That bill came to the Senate from the House with this item in it; it was referred to the committee, and the Senator from Indiana stated he would take care of it, as he was very much in favor of it, and I paid no more attention to it. When I learned the other day that objection had been made by the Senator from Wyoming [Mr. WARREN] that this was not a proper subject to go on the military appropriation bill but should find a place in a bill coming from the Appropriations Committee, I went to that committee immediately, as they were in session, and presented the situation just as it had been presented to me. I was told that the Senator from Wyoming was not there when this item was passed upon, but that it had been generally agreed to that items of purchase should go on the appropriation bill. I then suggested that we put it on the bill which was being considered at that time, namely, the sundry civil bill, but was told inasmuch as it had been placed on the Army appropriation bill in the House and objection would not be raised, that it had better be left on that bill and allow the Senate itself to pass upon the question whether or not the committee amendment should be agreed to. So I did not urge upon the committee having in charge the sundry civil bill the consideration of the item, because I was discouraged from so doing.

The Senator from New York says it is not an emergency matter. Possibly not, although I presume that in years to come that field or some other property will be purchased; but I am wondering if it is not the part of good business to retain a piece of property upon which the Government has expended \$2,380,000 or thereabouts by paying the option price of \$190,000, for which it can be obtained now, rather than allow it to go back to those who own it, and who are perfectly willing to take it back. It is a lake-front piece of property consisting of 640 acres and is worth from \$500,000 to \$1,000,000 at least to-day, without any regard as to whether it is used for military purposes or otherwise. It is, as I have said, a valuable piece of property, and I think the Government ought to buy it by paying the option price of not to exceed \$190,000 and take it. Of course, under condemnation proceedings if a jury should find that it was worth less than \$190,000 the Government would not pay any more than the jury should find; but a jury, in my opinion, would find it to be worth probably a million dollars, although the Government will not have to pay more than the option price of \$190,000. So the Government stands to win and not lose on a proposition of this kind. For these reasons I feel that this property ought to be purchased.

Mr. LENROOT. Mr. President, I was a member of the subcommittee of the Committee on Military Affairs that considered the purchase of a very large number of these aviation fields purely from an emergency standpoint. At that time our subcommittee found that although the War Department had leases and options upon practically every one of these fields, running in many instances to as late as 1923, and in some cases for an annual rental as low as \$1 a year, nevertheless in the face of all that, after the signing of the armistice they proceeded in many cases to exercise the option and to bind the Government to purchase this property—a case where they clearly had the legal right to do that which they did do, but, like many other things that have been done by the War Department, a very clear violation of the trust reposed in them in using the appropriations made for the purpose of carrying on the war to undertake by themselves to establish a future military policy for the Government without any action of Congress. This subcommittee in the consideration of these various matters undertook to take care of those cases where, on the one hand, the War Department had legally obligated the Government for the purchase price, and, in the second place, where the Government, having expended a very large amount of money and not being protected by options running into the future, would suffer a loss unless this real estate was purchased.

There were so many of these cases that my recollection as to Selfridge Field may not be entirely accurate; but it is my recollection that as to Selfridge Field we have an option on the purchase price of \$190,000 running to 1921 or 1922. Perhaps the Senator from Michigan can tell me more accurately as to that.

Mr. TOWNSEND. The option expires the last part of next month.

Mr. LENROOT. But in the lease there is a provision for a renewal of the option and the lease, is there not?

Mr. TOWNSEND. I have not seen the option, but that is not my understanding.

Mr. LENROOT. I think that is the fact—that in each one of these cases there is the option upon the part of the War Department to renew both the lease and the option, I think in

most cases running for five years from the date of the original lease; and I feel very certain that the Government is protected in this way in Selfridge Field.

In view of the present condition of the Treasury, and in view also of the fact that neither the Committee on Military Affairs nor any other committee of Congress thus far, as far as I know, has undertaken either to establish or to approve a policy with reference to permanent aviation fields in the country, I think we ought not to be making appropriations now, if the Government is protected, without that investigation being made by some committee of the Senate. The subcommittee to which I have referred did not make that investigation because I think all the members of the subcommittee—at least, all the Republican members, and I think the same was true of the Democratic members—were new Members of the Senate, who were not familiar with the aviation question; and I personally felt that when it came to the establishment of a policy as to how many aviation fields should be permanently established in the country that was a matter that should be passed on by Senators who were familiar with the entire question, and our subcommittee was not, and that the province of our subcommittee was merely to treat these matters as emergency matters so as to protect the Government in the expenditure that had already been made.

If I understand the situation correctly, the Government will not lose any rights if this property is not purchased now. If I understand the situation correctly, the original lease was to provide for a renewal of the lease and the option; and if that be true, this is no time for expending large amounts of money out of the Treasury of the United States for the purchase of real estate which can as well be purchased later on.

Mr. WARREN. Mr. President, as a member of the Military Affairs Committee I have not been able to attend as constantly as I should the meetings of the committee when preparing this appropriation bill. As to aviation, that, as we all know, is of comparatively late date before the Congress, and I have not taken it up as one of those things concerning which I expected to perfect my information or education.

As to this particular item, I did not hear all that the Senator from Michigan [Mr. TOWNSEND] said, but he involved somewhat the Committee on Appropriations. I wish to say, first, that until the confusion of war and the abrogation of peacetime rules and, I might almost say, principles, the purchase of land by the Government for new Army posts, for the extension of posts, and for new buildings, as well as other public buildings in the way of courthouses, post offices, and so forth, was always taken care of in the sundry civil bill. In cases of great emergency such items have at times been inserted in deficiency bills. I think I have stated that before the Committee on Military Affairs. I have done it without any desire to take anything from that committee over on to any one of the general appropriation bills, because I am not jealous of the joys that may come from enlarging the duties of other committees through absorption of certain appropriation items from sundry civil bills. At the present time, however, I think the Committee on Military Affairs, without so much reference to what had been the rule of peace times as to what the committee had immediately before it, did take into consideration the shunning of all expenses for land except what were considered emergency cases.

As to the particular field in question, I do not know whether it is an emergency case or not. I am not opposed to it, nor do I want to favor it or any other bill until we have a little more information about what the particular terms of the contract are; but in framing the sundry civil bill, which is now ready for calling up for consideration, the House has almost entirely failed to cover matters of public buildings and land, and, in fact, has granted nothing for rivers and harbors except what is in the nature of continuation of contracts, and so forth. The House went on record—not only the House committee but the House itself—with a good deal of emphasis on a rule of no appropriations for land or new buildings, so that when the matter was brought to me as chairman of the Appropriations Committee I stated very frankly that we did not have the information we should have, and I did not believe we had any chance to get it through conference if we put it on the pending sundry civil bill, and that if it could not be considered by the Military Affairs Committee the only hope for this year would be to have it follow, as many another thing has followed during war times, for consideration in the deficiency bill which is now being considered in the House committee, where any new matter should be presented.

I doubt very much whether they are going to provide for buying lands in that bill; but the matter could be and would be, if estimated for and presented with proper evidence, a subject for



consideration in the next annual sundry civil bill. I understand from the Senator from Wisconsin [Mr. LENROOT]—and I assume that he is correct about it—that this option may rest for another year; so, without undertaking to oppose or to urge this proposition, I want to set the matter right before the Senate and before the Senator from Michigan.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, which the Secretary will state.

The ASSISTANT SECRETARY. On page 15, the committee report to strike out lines 20 to 25, inclusive, in the following words:

For the acquisition, by purchase, condemnation, or otherwise, of 640 acres of land, more or less, and the appurtenances thereunto belonging, situate in Macomb County, State of Michigan, now occupied by the Air Service of the Army as an aviation station and known as Selfridge Field, not to exceed \$190,000.

On a division, the amendment was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The ASSISTANT SECRETARY. On page 34 the Senator from New York [Mr. WADSWORTH] proposes as an amendment, on line 1, after the word "receipts," to insert the following:

*Provided further*, That authority is hereby granted the Secretary of War to sell or otherwise dispose of, in accordance with law and regulations, the United States Army transports *Sherman, Sheridan, Thomas, Logan, Buford, Kilpatrick, Crook, and Warren*; *And provided further*, That \$2,400,000 of the sum derived from such sale may be used for the purpose of reimbursing the United States Shipping Board for necessary improvements and alterations to the 12 transports now being constructed by the United States Shipping Board for the use of the War Department, as permanent transports to replace the aforementioned United States Army transports of which the sale is authorized herein.

Mr. JONES of Washington. I did not hear clearly the reading of the amendment. Has the Senator a provision in it under which these boats might be used in the coastwise trade?

Mr. WADSWORTH. It is the same amendment that I offered on Saturday, which the Senator from Washington wanted a chance to examine, and it went over.

Mr. JONES of Washington. I merely made the suggestion. I have no objection to the amendment, but I thought it would help in the sale of these ships if we had a provision similar to that.

Mr. WADSWORTH. Let it go to conference, and if there is any trouble about it we can amend it in conference.

Mr. JONES of Washington. The conferees might not be able to put in such a provision. I suggest the following amendment to the amendment:

*And provided further*, That if sold to citizens of the United States such vessels may engage in the coastwise trade so long as they remain wholly the property of citizens of the United States.

Mr. WADSWORTH. I have no objection to that amendment to the amendment.

Mr. JONES of Washington. I think that probably would assist in getting a better price for the vessels.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. Add at the end of the proposed amendment the following proviso:

*And provided further*, That if sold to citizens of the United States such vessels may engage in the coastwise trade so long as they remain wholly the property of citizens of the United States.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The ASSISTANT SECRETARY. It will be found on page 44. The committee report to strike out the proviso beginning after the numerals "\$50,000," in line 13, in the following words:

*Provided*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$88,880 for the acquisition of land as an addition to the Leon Springs Military Reservation in Texas, heretofore authorized, and now in use as a target range for Camp Travis, Tex.

Mr. SHEPPARD. I trust this committee amendment, striking out the provision inserted by the House, will be disagreed to. It would be the worst sort of business judgment not to purchase the land in question. It is not even the case of land obtained through the exercise of options that were taken during the war. It is the case of land authorized by the Army appropriation bill of June 30, 1919. While purchase was in process the act of July 11, 1919, containing restrictions on the purchase of real estate, was passed, and further procedure was suspended. The act of July 11, 1919, was not aimed at purchases like this. It was aimed at purchases on options taken during the war in connection with war emergencies, but its terms were held by the comptroller to embrace land purchases of all descriptions which had not been completed on July 11, 1919.

Let me quote what the War Department says about this particular property:

There has already been constructed on the land in question, at a cost of \$70,000, a target range which has been in use by the troops stationed in the vicinity of Fort Sam Houston, Tex. A target range in this vicinity is a vital necessity for the proper training of the troops. The land on which this target range is already erected is held on options which expire on June 30, 1920, and at prices ranging from one-half to one-third the prices now asked for ground in this vicinity. The target range already built on this land could not be rebuilt at the present time for less than \$120,000. In addition, if the land is returned to its owners it will be necessary to restore it to its original condition or pay damage claims. It is estimated that this will be equal to or in excess of the present option prices to purchase.

In view of the fact that the failure to buy will involve the Government in a financial loss, it would seem the part of good business to make the purchase now. I hope that the committee amendment will be disagreed to. The construction of a new target range will be a far more expensive proposition than the purchase of this land and the retention of the present range.

Mr. WADSWORTH. This item falls in the same category as the one discussed by the Senator from Michigan.

Mr. SHEPPARD. The Senator from New York knows that I did not further insist on this target range item when the committee announced its policy of not incorporating purchases of this kind in the bill, but since the Senate has taken the position it has with regard to land in Michigan, I believe it but proper that this purchase should be also authorized.

Mr. WADSWORTH. There are only a few Senators here and I suppose what I have to say will not have much weight with the Senate. The Senator from Texas has expressed it exactly right. If you do it for one, you had better do it for everyone else. The Senate has seen fit to put Selfridge Field back in the bill, and therefore Boston must go back in the bill; and when we get to other things I think we might as well go back and include the item of the Senator from Kansas [Mr. CURTIS] at Leavenworth, and have all of the Senators who stay here and attend to business get what they want, and not the other Senators who have paid no attention to the bill.

Mr. SMOOT. Before we take a vote on this question, I think we had better have more Senators here than we have now.

Mr. WADSWORTH. I am not in opposition to Leon Springs, I am not in opposition to Boston, and I am not in opposition to the Selfridge item. The committee made a sincere effort to re-establish consistency in the management of the finances of the Government, and we find, after carefully explaining it to the Senate, that all the Senators who have any items in the bill affecting their own States have left the Chamber, and the Senators who have no items affecting their own States stay in the Chamber and change the policy of the committee.

Mr. KING. I should like to inquire of the chairman of the committee whether there will be an opportunity for another vote on the amendment which was voted upon a few moments ago? Will an opportunity be given later on to reconsider that matter?

Mr. WADSWORTH. I am only speaking for myself, of course.

Mr. KING. If not, I shall move to reconsider the vote by which the amendment of the committee was rejected. I came into the Chamber after having been called out, and I voted—

Mr. WADSWORTH. My opposition is not to these items as such, on their merits especially. It is just as I said a moment ago, I am opposed to their being placed on this bill. The Committee on Military Affairs reached an agreement with the chairman of the Committee on Appropriations that we would not do it. That is the truth of it. It may be that members of the Committee on Military Affairs, when they learn that one exception has been made, will decide that we might as well make exceptions of them all, but I am not going to change; I am going to stand by the agreement that the committee made when it was in solemn session in the room of the Committee on Military Affairs. I do not know whether it will be incumbent upon me to reserve a separate vote on all these little items in the Senate. I do not know that much is to be gained by that.

Mr. KING. If the Senator will permit me, I reserve the right for a separate vote on that last item.

Mr. WADSWORTH. That is, of course, the right of the Senator from Utah.

Mr. SHEPPARD. In order that the Senate may have a full opportunity to again pass on the policy of the committee, and in view of the fact that the question is to be raised again in the Senate when the bill is reported from Committee of the Whole to the Senate, I shall not move this disagreement at present, but will await further action of the Senate on the other proposition.

Mr. WADSWORTH. The Senator will have to reserve something.

Mr. SMOOT. If the Senator wants a separate vote he will have to have the matter voted on in Committee of the Whole, because if the amendment of the committee is agreed to when it comes into the Senate the Senator will have it reserved for a separate vote.

Mr. SHEPPARD. Then I ask the Senate to take at least tentative action on my proposition now.

Mr. SMOOT. I am going to ask the Senator from New York, inasmuch as it is after 5 o'clock now, if it would not be best to take a recess at this time and leave the amendment pending, and then we shall have a quorum to vote upon it in the morning.

Mr. SHEPPARD. I understood the Senator to say it would be necessary to take a vote on it before we went into the Senate.

Mr. SMOOT. It will be pending, and the vote will come up to-morrow morning.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On May 21, 1920:

S. 2448. An act for the relief of certain officers of the United States Army, and for other purposes.

On May 22, 1920:

S. 1699. An act for the retirement of employees in the classified civil service, and for other purposes.

#### MANDATE OVER ARMENIA (H. DOC. NO. 791).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Foreign Relations, and ordered to be printed:

GENTLEMEN OF THE CONGRESS:

On the fourteenth of May an official communication was received at the Executive Office from the Secretary of the Senate of the United States conveying the following preambles and resolutions:

"Whereas the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered; and

"Whereas the people of the United States are deeply impressed by the deplorable conditions of insecurity, starvation, and misery now prevalent in Armenia; and

"Whereas the independence of the Republic of Armenia has been duly recognized by the Supreme Council of the Peace Conference and by the Government of the United States of America: Therefore be it

"Resolved, That the sincere congratulations of the Senate of the United States are hereby extended to the people of Armenia on the recognition of the independence of the Republic of Armenia, without prejudice respecting the territorial boundaries involved; and be it further

"Resolved, That the Senate of the United States hereby expresses the hope that stable government, proper protection of individual liberties and rights, and the full realization of nationalistic aspirations may soon be attained by the Armenian people; and be it further

"Resolved, That in order to afford necessary protection for the lives and property of citizens of the United States at the port of Batum and along the line of the railroad leading to Baku, the President is hereby requested, if not incompatible with the public interest, to cause a United States warship and a force of marines to be dispatched to such port with instructions to such marines to disembark and to protect American lives and property."

I received and read this document with great interest and with genuine gratification, not only because it embodied my own convictions and feelings with regard to Armenia and its people, but also, and more particularly, because it seemed to me the voice of the American people expressing their genuine convictions and deep Christian sympathies, and intimating the line of duty which seemed to them to lie clearly before us.

I cannot but regard it as providential, and not as a mere casual coincidence that almost at the same time I received information that the conference of statesmen now sitting at San Remo for the purpose of working out the details of peace with the Central Powers which it was not feasible to work out in the conference at Paris, had formally resolved to address a definite appeal to this Government to accept a mandate for Armenia. They were at pains to add that they did this, "not from the smallest desire to evade any obligations which they

might be expected to undertake, but because the responsibilities which they are already obliged to bear in connection with the disposition of the former Ottoman Empire will strain their capacities to the uttermost, and because they believe that the appearance on the scene of a power emancipated from the prepossessions of the Old World will inspire a wider confidence and afford a firmer guarantee for stability in the future than would the selection of any European power."

Early in the conferences at Paris it was agreed that to those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world there should be applied the principle that the well being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be afforded.

It was recognized that certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone.

It is in pursuance of this principle and with a desire of affording Armenia such advice and assistance that the statesmen conferring at San Remo have formally requested this Government to assume the duties of mandatory in Armenia. I may add, for the information of the Congress, that at the same sitting it was resolved to request the President of the United States to undertake to arbitrate the difficult question of the boundary between Turkey and Armenia in the Vilayets of Erzerum, Trebizond, Van, and Bitlis, and it was agreed to accept his decision thereupon, as well as any stipulation he may prescribe as to access to the sea for the independent State of Armenia. In pursuance of this action, it was resolved to embody in the treaty with Turkey, now under final consideration, a provision that "Turkey and Armenia and the other high contracting parties agree to refer to the arbitration of the President of the United States of America the question of the boundary between Turkey and Armenia in the Vilayets of Erzerum, Trebizond, Van and Bitlis, and to accept his decision thereupon as well as any stipulation he may prescribe as to access to the sea for the independent State of Armenia"; pending that decision the boundaries of Turkey and Armenia to remain as at present. I have thought it my duty to accept this difficult and delicate task.

In response to the invitation of the council at San Remo, I urgently advise and request that the Congress grant the Executive power to accept for the United States a mandate over Armenia. I make this suggestion in the earnest belief that it will be the wish of the people of the United States that this should be done. The sympathy with Armenia has proceeded from no single portion of our people, but has come with extraordinary spontaneity and sincerity from the whole of the great body of Christian men and women in this country by whose free-will offerings Armenia has practically been saved at the most critical juncture of its existence. At their hearts this great and generous people have made the cause of Armenia their own. It is to this people and to their Government that the hopes and earnest expectations of the struggling people of Armenia turn as they now emerge from a period of indescribable suffering and peril, and I hope that the Congress will think it wise to meet this hope and expectation with the utmost liberality. I know from unmistakable evidences given by responsible representatives of many peoples struggling towards independence and peaceful life again that the Government of the United States is looked to with extraordinary trust and confidence, and I believe that it would do nothing less than arrest the hopeful processes of civilization if we were to refuse the request to become the helpful friends and advisers of such of these people as we may be authoritatively and formally requested to guide and assist.

I am conscious that I am urging upon the Congress a very critical choice, but I make the suggestion in the confidence that I am speaking in the spirit and in accordance with the wishes of the greatest of the Christian peoples. The sympathy for Armenia among our people has sprung from untainted consciences, pure Christian faith, and an earnest desire to see Christian people everywhere succored in their time of suffering, and lifted from their abject subjection and distress and enabled to stand upon their feet and take their place among the free nations of the world. Our recognition of the independence of Armenia will mean genuine liberty and assured happiness for her people, if we fearlessly undertake the duties of guidance and assistance in-



volved in the functions of a mandatory. It is, therefore, with the most earnest hopefulness and with the feeling that I am giving advice from which the Congress will not willingly turn away that I urge the acceptance of the invitation now formally and solemnly extended to us by the council at San Remo, into whose hands has passed the difficult task of composing the many complexities and difficulties of government in the one-time Ottoman Empire and the maintenance of order and tolerable conditions of life in those portions of that Empire which it is no longer possible in the interest of civilization to leave under the government of the Turkish authorities themselves.

WOODROW WILSON.

THE WHITE HOUSE,  
24 May, 1920.

#### CONFIRMATION OF ROBERT R. CARMAN.

Mr. NELSON. I ask unanimous consent, as in open executive session, to report favorably from the Committee on the Judiciary the nomination of Robert R. Carman, of Baltimore, Md., to be United States attorney. The Senator from Maryland is very anxious to have Mr. Carman confirmed, and I ask that that may be done.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will state the nomination:

The ASSISTANT SECRETARY. As in open executive session, from the Committee on the Judiciary, Robert R. Carman, of Baltimore, Md., to be United States attorney for the district of Maryland, vice Samuel K. Dennis, resigned, effective May 31, 1920.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the nominee is confirmed, and the President of the United States will be notified of the confirmation.

#### CONFIRMATION OF ALEXANDER C. KING.

Mr. SMITH of Georgia. I ask the Senator from New York if he will not allow us to have an executive session to consider the nomination of a circuit judge for the fifth circuit of Georgia, which was unanimously reported from the Committee on the Judiciary.

Mr. SMOOT. Let the nomination be considered as in open executive session.

Mr. SMITH of Georgia. If there is not to be an executive session, with closed doors, I ask that the nomination be confirmed in open executive session.

Mr. WADSWORTH. I have no objection.

The VICE PRESIDENT. The Chair hears no objection, and the nomination will be stated.

The ASSISTANT SECRETARY. As in open executive session, from the Committee on the Judiciary, Alexander C. King, of Atlanta, Ga., to be United States circuit judge, fifth circuit, vice Don A. Pardee, deceased.

The VICE PRESIDENT. Is there objection? The Chair hears none, the nomination is confirmed, and the President of the United States will be notified of the confirmation.

#### CONFIRMATION OF STEPHEN T. LOCKWOOD.

Mr. KING. As in open executive session, I report from the Committee on the Judiciary the nomination of Stephen T. Lockwood, of Buffalo, N. Y., to be United States attorney for the western district of New York, a reappointment, his term having expired, and I ask for action upon it.

The VICE PRESIDENT. Is there objection? The Chair hears none. The nomination is confirmed, and the President of the United States will be notified of the confirmation.

#### RECESS.

Mr. SMOOT. Mr. President, I move that the Senate stand in recess until 11 o'clock a. m. to-morrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, May 25, 1920, at 11 o'clock a. m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 24, 1920.*

##### UNITED STATES CIRCUIT JUDGE.

Alexander C. King, to be United States circuit judge, fifth circuit.

##### UNITED STATES ATTORNEYS.

Stephen T. Lockwood to be United States attorney, western district of New York.

Robert B. Carman to be United States attorney, district of Maryland.

## HOUSE OF REPRESENTATIVES.

MONDAY, May 24, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer.

O Thou God and Father of us all, infinite in wisdom, power, and goodness, who hast placed within our reach a portion of these qualities; for we realize that there is something finer in every man than anything he says or does.

When I was a child, I spake as a child, I understood as a child, I thought as a child; but when I became a man, I put away childish things.

For now we see through a glass, darkly; but then face to face: now I know in part; but then shall I know even as also I am known.

It is writ:

Be ye therefore perfect, even as your Father which is in heaven is perfect.

Help us to develop out of the strenuous duties of life those qualities which we know are eternal. In the precious example of Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, May 22, 1920, was read and approved.

#### DEATH OF FORMER REPRESENTATIVE JOSEPH J. GILL, OF OHIO.

Mr. MURPHY. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURPHY. Mr. Speaker and gentlemen, my purpose in asking to address the House this morning is to inform you of the death of Hon. Joseph J. Gill, of Steubenville, Ohio, who represented the sixteenth congressional district of Ohio in the Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses of the United States. In the passing of Mr. Gill our district loses one of its outstanding men—a man whose liberality made possible the building of the first modern hospital in the city of Steubenville. Mr. Gill was a large employer of labor, and in more than 40 years in the factories which he controlled there never was a strike or any serious labor disturbance, because he believed in collective bargaining and always gave a square deal to those whom he employed.

As the present Member from the eighteenth district, which district is largely made up of the old sixteenth, I feel specially grieved at the passing of this splendid citizen, for it was by him that I was given my first employment and from him I received my first dollar, and I am proud to say that from my boyhood until the present time I have had the helpful influence of this splendid man, and in his passing all eastern Ohio is conscious of a real loss, and may the God that tempers the wind to the shorn lamb bring peace and comfort to the friends and relatives of one of nature's noblemen, Hon. Joseph J. Gill.

#### CONSOLIDATION OF FOREST LANDS, SIERRA NATIONAL FOREST.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2789) for the consolidation of forest lands in the Sierra National Forest of California, and for other purposes, with House amendments, insist on the House amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table Senate bill 2789, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, has the gentleman spoken to the ranking minority member who will be on the conference concerning sending this bill to conference at this time?

Mr. SINNOTT. The minority member will be on the conference.

Mr. GARNER. I know there will be a minority Member on the conference committee, but has the gentleman from Oregon discussed with the ranking minority Member the question of agreeing to the conference asked for by the Senate on this bill?

Mr. SINNOTT. I have not spoken to him about it.

Mr. GARNER. Mr. Speaker, I serve notice upon the majority side at this time that while I am in the House, if I happen to be present when such requests are made, I shall insist upon the request being accompanied with the statement that the majority has consulted with the minority Members. Therefore I object.

Mr. SINNOTT. Mr. Speaker, then I move to take from the Speaker's table the bill (S. 2789) for the consolidation of forest lands in the Sierra National Forest of California, and for other purposes, with House amendments thereto, insist upon the House amendments, and agree to the conference asked for by the Senate.

Mr. GARNER. Mr. Speaker, all I ask is the courtesy of considering the minority.

Mr. SINNOTT. The gentleman who will be upon the conference committee on the minority side agreed to these amendments in the committee.

Mr. GARNER. Mr. Speaker, with the indulgence of the House just for a statement, I desire to repeat what I have said two or three times on the floor of the House, that I do think the majority Members having control of bills from the respective committees owe the courtesy to the minority to at least consult with them when they ask for unanimous consent. I am going to withdraw my objection and agree that this bill shall be sent to conference, but I give notice to the majority side now that it seems to me a reasonable courtesy and a reasonable consideration that the minority Members shall be consulted when the majority Members ask unanimous consent to send a bill to conference.

Mr. SINNOTT. I will state to the gentleman that I know the attitude of the ranking minority Member upon these amendments.

Mr. GARD. What are the amendments?

Mr. SINNOTT. They are House amendments to a Senate bill.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take this bill from the Speaker's table, insist upon the House amendments, and agree to the conference asked. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. TAYLOR of Colorado.

#### AGRICULTURAL APPROPRIATION BILL—CONFERENCE REPORT.

Mr. HAUGEN. Mr. Speaker, I call up the conference report upon the bill H. R. 12272, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921.

The SPEAKER. The gentleman from Iowa calls up the conference report, which the Clerk will read.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert: "Provided, That the amendments relating to cotton provided for in section 6 of the act known as the wheat guaranty act approved March 4, 1919, are hereby recognized and declared to be permanent legislation"; and the Senate agree to the same.

On the amendment of the Senate numbered 93 the committee of conference has been unable to agree.

G. N. HAUGEN,  
J. C. McLAUGHLIN,  
GORDON LEE,

*Managers on the part of the House.*

A. J. GRONNA,  
G. W. NORRIS,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

Amendment No. 93 strikes out an appropriation of \$239,416 for the purchase and distribution of valuable seeds. The conferees have been unable to agree as to this amendment.

Amendment No. 116 decreases the appropriation for ascertaining and appraising timber on the national forests from \$105,000 to \$80,000 and strikes out the following proviso:

"Provided, That \$25,000 may be used by the Secretary of Agriculture for the purpose of ascertaining the appraised value of pasturage upon the national forests, which appraised value, when determined, may, in the discretion of the Secretary of Agriculture, be made the basis of the charge for grazing permits upon such forests."

The House recedes.

Amendment No. 249 adds to the paragraph appropriating for the enforcement of the United States cotton futures act the following language:

"Provided, That the amendments relating to cotton provided for in section 6 of the act known as the wheat guaranty act, approved March 4, 1919, are hereby recognized and declared to be permanent legislation. That hereafter each lot of cotton classified as tenderable in whole or in part on a section 5 contract of said act as amended shall give to the buyer the right to demand that one half of the contract shall be delivered in the official cotton-standard grades of the United States from the grades of middling fair, strict good middling, good middling, strict middling, and middling, and that the seller shall have the option of delivering the other half of said contract from any of the official cotton-standard grades as established in said act."

The House recedes and agrees with an amendment accepting the proviso declaring the amendment relating to cotton provided for in the wheat guaranty act to be permanent legislation and eliminating the remainder of the amendment.

G. N. HAUGEN,  
J. C. McLAUGHLIN,  
GORDON LEE,

*Managers on the part of the House.*

Mr. LANGLEY. Mr. Speaker, I desire to ask the gentleman from Iowa if it is his purpose to ask for any debate upon this report.

Mr. HAUGEN. I have no intention of asking for it, but if any time is desired, it can be granted. My understanding is that no time is desired with respect to the report proper.

Mr. CANDLER. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. CANDLER. As I understand this, the Senate receded from what is known as the "Comer amendment"?

Mr. HAUGEN. Yes.

Mr. CANDLER. That goes out of the bill?

Mr. HAUGEN. The House recedes with an amendment making the cotton-futures act permanent law. All of the other features are stricken from the bill.

Mr. CANDLER. The "Comer amendment" goes out of the bill?

Mr. HAUGEN. Yes.

Mr. CANDLER. And the bill makes the cotton-standards law permanent law?

Mr. HAUGEN. Yes.

Mr. CANDLER. On the grading proposition, I understand that the House recedes?

Mr. HAUGEN. Yes.

Mr. CANDLER. Then the only question of difference now is Senate amendment No. 93, which is in reference to the distribution of seed?

Mr. HAUGEN. That is correct.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. There is only one amendment in disagreement between the House conferees and the Senate conferees. At this time would not a motion to recede and concur in that Senate amendment in disagreement be in order?

The SPEAKER. The first thing in order would be to dispose of the report and then the other matter will come up.

Mr. HAUGEN. If there is no time desired, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. BLANTON. Mr. Speaker, I desire to offer a preferential motion.

The SPEAKER. The gentleman from Iowa is recognized.

Mr. HAUGEN. Mr. Speaker, I move that the House insist upon its disagreement to the Senate amendment No. 93 and ask for a further conference.

Mr. BLANTON. Mr. Speaker, I offer a preferential motion.



The SPEAKER. The gentleman will be recognized in due time. The gentleman from Iowa moves that the House further insist upon its disagreement to the Senate amendment and ask for a conference.

Mr. CANDLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANDLER. Would it be in order to move that the conferees on the part of the House be instructed to adhere to the House provision in the House bill as it passed the House?

The SPEAKER. Well, the gentleman from Texas wishes first to make a preferential motion.

Mr. BLANTON. Mr. Speaker, I make the motion that the House recede from its position and concur in Senate amendment No. 93.

The SPEAKER. The gentleman from Texas moves that the House recede and concur in Senate amendment No. 93.

Mr. HAUGEN. Is there any request for time? If anybody desires time I would be glad to yield briefly.

Mr. CHINDBLOM. Could amendment No. 93 be read for information?

Mr. HAUGEN. It is the vegetable-seed amendment, with which we are all familiar, and carries an appropriation of \$239,000 for the purpose of purchasing vegetable seed.

Mr. CHINDBLOM. What was the Senate amendment?

Mr. HAUGEN. The Senate amendment struck it out.

Mr. LAYTON. Mr. Speaker, what is this amendment?

Mr. HAUGEN. It is the vegetable-seed amendment, and carries an appropriation of \$239,000. The Senate struck it out.

Mr. LAYTON. And what is the gentleman's proposition?

Mr. HAUGEN. My motion is to insist upon the House's disagreement to the Senate amendment.

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. HAUGEN. Yes, sir.

Mr. CHINDBLOM. If this Senate amendment striking out this provision is agreed to, will there be a provision by which the Agricultural Department may distribute seed to those who desire them?

Mr. HAUGEN. No; there will be no appropriation made for vegetable seed. It carries a small appropriation for the rare seed.

Mr. BLANTON. If the chairman will yield, it leaves in the bill all the appropriation for field seed and rare seed—

Mr. HAUGEN. I was stating that.

Mr. BLANTON. Which is quite a large item.

Mr. LANGLEY. But not for vegetable seed?

Mr. HAUGEN. No.

Mr. MILLER. Will the gentleman yield for a question? There is so much confusion we can not hear the gentleman and understand what is taking place. What about garden seed?

Mr. HAUGEN. If my motion is agreed to, we will go to conference and the matter will be in conference. If the motion of the gentleman from Texas carries, why that would dispose of the seed question and strike out the seed entirely.

Mr. CANDLER. What should be done is to vote down the motion of the gentleman from Texas and vote up the motion of the gentleman from Iowa. Those who favor the seed distribution will vote against the pending motion of the gentleman from Texas [Mr. BLANTON], and when his motion is defeated, as it will be, then vote for the motion of the gentleman from Iowa [Mr. HAUGEN] and carry it, and the result will be to continue the seed. Is that not correct?

Mr. HAUGEN. Yes; if you want the seed.

The SPEAKER. The question is on the motion of the gentleman from Texas to recede and concur in the Senate amendment.

Mr. RUBEY. Mr. Speaker, just a moment, if the gentleman will yield.

Mr. HAUGEN. I will.

Mr. RUBEY. As I understand the situation, it is this: The Agricultural bill has been agreed to in every particular except the pending amendment?

Mr. HAUGEN. Exactly.

Mr. RUBEY. The only thing now before the House is the question of garden seed, and the gentleman from Iowa has moved that the House adhere to its disagreement to the Senate amendment—

Mr. HAUGEN. And ask for a conference.

Mr. RUBEY. And ask for a further conference. The gentleman from Texas has moved as a preferential motion that the House recede and concur in the Senate amendment and the only question is the seed question, and those who are in favor of seed will vote against the motion of the gentleman from Texas, and those who are against seed will vote the other way?

Mr. HAUGEN. Mr. Speaker—

Mr. RUBEY. Just a moment. I want to get this thing clear. If you are for free seed distribution, and I believe you are, you

vote against the motion of the gentleman from Texas and the Senate will recede, and the thing will be ended.

Mr. HAUGEN. Mr. Speaker, I yield 5 minutes or 10 minutes to the gentleman from Illinois [Mr. JUUL]. [Cries of "Vote!"]

The SPEAKER. The gentleman from Illinois is recognized for seven minutes.

Mr. JUUL. Now, Mr. Speaker, I think the gentlemen on this floor can afford to be fair with me in the matter of time. I never object to anybody speaking. [Applause.] I do not often ask for your indulgence.

Mr. Speaker, sometimes I have felt sorry for the brain children—both bills and resolutions—that are resting, forgotten and chloroformed, in the various committees, but I do not feel so sorry now.

Not long ago this House passed the Agricultural appropriation bill and we all bid it Godspeed on its way to the upper legislative branch of the Government at the other end of this building. It looked like a wonderful legislative child, its future seemed bright and cheerful, sponsored, as it was, by 21 gentlemen of the Committee on Agriculture. There were gentlemen on that committee from North and South, from East and West, even from far off Hawaii came its sponsors. After two months of daily committee work this legislative child was considered properly gotten up to stand the necessary ordeal of passage or ratification in the other end of the building, but what has happened?

The other day it came back to us, not even its closest relatives, the gentleman from Iowa [Mr. HAUGEN], the gentleman from Michigan [Mr. McLAUGHLIN], nor the gentleman from Georgia [Mr. LEE], would be able to recognize their mutilated offspring. The golden curly hair of the child had been torn off, its snappy blue eyes had been blackened, it had been kicked, or amended, as the legislative term is, in 282 places. I have often seen bills amended, but this bill as it reaches us now from conference is possibly the most amended document for its size ever before a legislative body.

It is particularly remarkable for the amount of receding that was done on the part of the conferees. When I had read up to the point where the Senate conferees receded 78 times and the House conferees receded 136 times, I thought I had reached the limit of receding and grew dizzy and my sight was blurred. Then I tried to sum up to see how much the Senate had saved to the taxpayers of the country by this tremendous amount of mutilation, and I found that instead of all these Senate amendments being for the purpose of saving vast sums for the taxpayers the amendments had added approximately two and one-half million dollars to the burdens of the country.

This child of the House comes back to the House unrecognizable, patched in 282 places, arnica and sticking plaster all over it. Not a vestige of its bright cheerful countenance, as it looked when it left the House, is to be visualized. All bandages swathed and crippled this dear love child of ours, H. R. 12272, has come back to us, and the worst of it is that hitting the bill in 282 spots will cost the taxpayers two and one-half million dollars, and one is constrained to ask whether it would not be wise for the House to cease originating appropriation bills until it finds out in the other end of the building what is wanted. One would imagine that 282 straight blows on the frail body of a new bill are too many.

Now, do you gentlemen want to know what has happened to this bill?

Mr. LANGLEY. Will the gentleman yield for a question?

Mr. JUUL. I will be very glad to yield to the gentleman from Kentucky.

Mr. LANGLEY. I am unable to determine so far which side of the question the gentleman is on, whether he is in favor of putting another piece of plaster on this child of the House or—

Mr. JUUL. Will the gentleman state what piece of plaster he wants on?

Mr. LANGLEY. I do not want any on; I want the garden seed to remain in the bill, and—

Mr. JUUL. I want the garden seed to remain in the bill. I want to tell my friend from Kentucky that just day before yesterday I received a letter, which is simply a sample letter of a number of letters I have received from school principals through whom I distribute my seed, and they seem to think it is the best money the Government of the United States ever spends. [Applause.]

Mr. LANGLEY. I am very glad to hear that.

Mr. JUUL. One principal, Miss Agnes I. Kerns, speaking for the Schley School, in Chicago, wrote me as late as May 19, 1920:

I wish to thank you for the consignment of seeds sent to the Schley School this spring. We gave the seeds to the children who brought notes from their parents asking for seeds. The children are happy at the prospect of having gardens.

Now, do you want to know what has happened to this bill?

The bill as it left the House was the result of careful, conscientious work by a congressional committee. After spending months on hearings and deliberations it comes back as a vehicle for departmental demands. It departed from this Hall as a piece of carefully constructed congressional legislation and returns what to me looks like a piece of departmental—or, rather, bureaucratic—interference with legislative functions.

I stated in the beginning of my talk on this subject that I sometimes feel sorry for the bills and resolutions that are resting, forgotten and chloroformed, in the various committees, and I know how it feels to have the chloroforming process applied.

In the early days of the war I introduced a resolution providing:

That neutral ships having had their cargoes examined in American harbors should not again be examined by the nations at war with nations with whom we were at war.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. JUUL. Mr. Speaker, I would like one minute more.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] is in charge of the time.

Mr. JUUL. May I have one minute?

Mr. HAUGEN. I yield one minute more to the gentleman.

Mr. JUUL. This resolution, if passed, would have released hundreds of thousands of tons of shipping. It was chloroformed. Yet I would rather see a bill smothered and forgotten than have it come back to me so unlike its former beautiful self, as this Agricultural appropriation bill has returned to the House. [Applause.]

Mr. HAUGEN. Mr. Speaker, it seems fair that the other side should have a minute or so, and I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, it is true, as stated by the gentleman from Illinois [Mr. JUUL], that our friends at the other end of the Capitol have added to this bill \$2,500,000, and our conferees have agreed almost in every instance to those additions; but when it comes down to the only case within the knowledge of my legislative history where the Senate of the United States has knocked out an appropriation made by the House, when it comes down to where the Senate has seen fit to strike out of this bill \$239,000, why, we can not agree with it. I know how hard it is for a Congressman to give up his garden seed. I know just exactly how hard it is. I know just exactly what it means to you. I know just exactly how you love to send your name out to 20,000 constituents on these packages of free garden seed. That is what you are called to stand and deliver on right now, and you are not willing to do it. There are about 20 per cent of us here going to vote for this motion. The balance of you are going to keep on holding to the free garden seed. How are you going to account to your people when you get home? What are you going to say to them? The Secretary of Agriculture has recommended that we save this \$239,000. I am going to vote to cut this \$239,000 out of this bill and agree to Senate amendment No. 93.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. BLANTON. I yield.

The SPEAKER. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from Washington, and then I intend to move the previous question.

Mr. JOHNSON of Washington. Mr. Speaker, I hope the House will embrace this opportunity to end this petty congressional seed distribution. Neither the time of the House nor of the Members should be used in this way. The question comes up every year. Most of those who receive the seeds in the districts are willing to forego the gift, particularly if the House will busy itself with other matters. Many misunderstand the seed distribution. I have a letter from a constituent which I wish to read:

DEAR SIR:

1. Will you please send me any set law books you have and the following:

2. 1 package of onion seed, 1 package of cabbage seed, 1 package of squash seed, 1 package of cucumbers, 7 peach trees, 6 English walnut trees, 2 snowball trees, 1 package of carrot seed, 1 package of lettuce seed, 1 package of summer squash, 5 grape cuttings, 3 sweet apple trees, 2 butternut trees, 95 strawberry plants, 3 chestnut trees, 4 lilac bushes, 8 rose cuttings.

If you have got any carpenter books and tools, send them, and any typewriter please send it, and the farm account book from the Department Agriculture, and any gasoline tractor.

Yours, truly,

I omit the name.

Now, my friends, in all earnestness, is it not about time to cut out a practice that leads to such misunderstandings?

Mr. LANGLEY. Has the gentleman endeavored to comply with the request? [Laughter.]

Mr. JOHNSON of Washington. Not yet.

Mr. HAUGEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. BLANTON], that the House recede and concur in the Senate amendment.

Mr. BLANTON. Division, Mr. Speaker.

The House proceeded to divide.

Mr. SNELL. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The yeas and nays are demanded.

Mr. WALSH. Mr. Speaker, I make the point of no quorum.

Mr. BLANTON. I will wait until after the vote is had.

The division was completed, and there were—yeas 47, noes 60.

Mr. BLANTON. Mr. Speaker, the House having divided, I make the point of no quorum.

The SPEAKER. Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. Those in favor of the motion of the gentleman from Texas will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 108, nays 203, not voting 116, as follows:

#### YEAS—108.

Ackerman	Esch	Kinkaid	Randall, Wis.
Anderson	Evans, Mont.	Klecak	Reavis
Andrews, Nebr.	Evans, Nebr.	Kraus	Rogers
Bakka	Fairfield	Lehbach	Rose
Baer	Fess	Loneragan	Sanford
Barbour	Foster	Luce	Scott
Black	Frear	McArthur	Sherwood
Bland, Va.	Freeman	McKinley	Sinclair
Blanton	French	McLane	Smith, Mich.
Browne	Fuller, Mass.	McLaughlin, Mich.	Snell
Buchanan	Gallivan	McLaughlin, Nebr.	Strong, Kans.
Butler	Goodall	Magee	Summers, Wash.
Campbell, Kans.	Graham, Ill.	Mansfield	Sumners, Tex.
Cannon	Green, Iowa	Mapes	Tilson
Chindblom	Hamilton	Michener	Tinkham
Christopherson	Hersman	Minahan, N. J.	Towner
Cooper	Hickey	Montague	Treadway
Cramton	Hicks	Mooney	Volstead
Currie, Mich.	Hill	Moore, Ohio	Walsh
Dallinger	Holland	Nelson, Wis.	Walters
Dempsey	James	Parish	Watson
Dickinson, Iowa	Jeffers	Pell	Welling
Dowell	Johnson, Wash.	Peters	Wheeler
Dunn	Jones, Tex.	Platt	White, Me.
Eagle	Kelley, Mich.	Pou	Winslow
Elliott	Kelly, Pa.	Radeliffe	Yates
Emerson	Kennedy, Iowa	Ramseyer	Young, N. Dak.

#### NAYS—203.

Almon	Focht	McClintic	Sells
Ashbrook	Fordney	McDuffie	Sims
Aswell	Fuller, Ill.	McGlennon	Sinnott
Ayres	Gallagher	McKeown	Sisson
Bankhead	Gandy	MacGregor	Smith, Idaho
Barkley	Gard	Madden	Stegall
Bee	Garner	Major	Stedman
Begg	Glynn	Mann, Ill.	Steenerson
Bell	Goodwin, Ark.	Martin	Stephens, Miss.
Benham	Greene, Mass.	Mays	Stephens, Ohio
Benson	Griffin	Mead	Stevenson
Blackmon	Hadley	Miller	Stinnes
Bland, Ind.	Hardy, Colo.	Milligan	Strong, Pa.
Bland, Mo.	Hardy, Tex.	Monahan, Wis.	Sweet
Box	Harrell	Mondell	Swope
Brand	Harrison	Moon	Tague
Briggs	Hawley	Moore, Va.	Taylor, Ark.
Brooks, Ill.	Hays	Moore, Ind.	Taylor, Colo.
Burdick	Hedin	Morgan	Taylor, Tenn.
Burroughs	Hersey	Mott	Temple
Byrnes, S. C.	Hoey	Mudd	Thomas
Byrnes, Tenn.	Houghton	Murphy	Thompson
Campbell, Pa.	Howard	Nelson, Mo.	Timberlake
Candler	Huddleston	Newton, Minn.	Tincher
Cantrill	Hudspeth	Newton, Mo.	Upshaw
Caraway	Hull, Iowa	O'Connor	Vaile
Carrs	Hull, Tenn.	Ogden	Venable
Clark, Mo.	Igoe	Oldfield	Vestal
Classon	Jacoway	Oliver	Vinson
Cleary	Johnson, Ky.	Overstreet	Voigt
Coady	Johnson, Miss.	Park	Ward
Collier	Juul	Parker	Wason
Connally	Kearns	Porter	Watkins
Crago	Keller	Quin	Weaver
Crisp	Kendall	Rainey, Ala.	Webster
Crowther	Kincheloe	Rainey, H. T.	Welty
Dale	King	Rainey, J. W.	Whaley
Darrow	Knutson	Raker	White, Kans.
Davis, Minn.	Lampert	Ramsey	Williams
Davis, Tenn.	Langley	Randall, Calif.	Wilson, Ill.
Denison	Leaham	Rayburn	Wilson, La.
Denton	Layton	Ricketts	Wilson, Pa.
Dewalt	Lazaro	Robinson, N. C.	Wingo
Dickinson, Mo.	Lee, Calif.	Robison, Ky.	Wise
Dominick	Lee, Ga.	Rodenberg	Wood, Ind.
Doremus	Linthicum	Romjue	Woods, Va.
Doughton	Little	Rouse	Woodyard
Dupré	Longworth	Ruby	Wright
Dyer	Lufkin	Sabath	Young, Tex.
Ferris	Luhning	Sanders, La.	Zihlman
Flood	McAndrews	Schall	

#### NOT VOTING—116.

Andrews, Md.	Boies	Brumbaugh
Anthony	Brinson	Burke
Bacharach	Britten	Caldwell
	Brooks, Pa.	



Carew	Godwin, N. C.	Kitchen	Reber
Carter	Goldfogle	Kreider	Reed, N. Y.
Casey	Good	Lankford	Reed, W. Va.
Clark, Fla.	Goodykoontz	Larsen	Rhodes
Cole	Gould	Leshner	Riddick
Copley	Graham, Pa.	McCulloch	Riordan
Costello	Greene, Vt.	McFadden	Rowan
Cullen	Griest	McKenzie	Rowe
Curry, Calif.	Hamill	McKiniry	Rucker
Davey	Hastings	McPherson	Sanders, Ind.
Donovan	Haugen	MacCrate	Sanders, N. Y.
Dooling	Hayden	Maher	Scully
Drane	Hernandez	Mann, S. C.	Sears
Drewry	Hoch	Mason	Shreve
Dunbar	Hullings	Merritt	Siegel
Eagan	Humphreys	Morin	Slemp
Echols	Husted	Neely	Small
Edmonds	Hutchinson	Nicholls	Smith, Ill.
Ellsworth	Ireland	Nolan	Smith, N. Y.
Elston	Johnson, S. Dak.	O'Connell	Smithwick
Evans, Nev.	Johnston, N. Y.	Olney	Snyder
Fields	Jones, Pa.	Osborne	Steele
Fisher	Kahn	Padgett	Stoll
Ganly	Kennedy, R. I.	Paige	Sullivan
Garland	Kettner	Phelan	Tillman
Garrett	Kiess	Purnell	Vare

So the motion to concur in the Senate amendment was rejected.

The Clerk announced the following pairs:  
Until further notice:

Mr. RHODES with Mr. TILLMAN.  
Mr. GRAHAM of Pennsylvania with Mr. STEELE.  
Mr. SNYDER with Mr. CARTER.  
Mr. CURRY of California with Mr. EVANS of Nevada.  
Mr. COLE with Mr. HAYDEN.  
Mr. ELSTON with Mr. DRANE.  
Mr. HERNANDEZ with Mr. HASTINGS.  
Mr. ANDREWS of Maryland with Mr. STOLL.  
Mr. MASON with Mr. PADGETT.  
Mr. KENNEDY of Rhode Island with Mr. SCULLY.  
Mr. REED of West Virginia with Mr. SULLIVAN.  
Mr. VARE with Mr. BRINSON.  
Mr. KIESS with Mr. O'CONNELL.  
Mr. GARLAND with Mr. DONOVAN.  
Mr. REBER with Mr. CAREW.  
Mr. MCKENZIE with Mr. FIELDS.  
Mr. SLEMP with Mr. SMALL.  
Mr. GOOD with Mr. GARRETT.  
Mr. SIEGEL with Mr. GOLDFOGLE.  
Mr. IRELAND with Mr. KITCHIN.  
Mr. SANDERS of New York with Mr. MAHER.  
Mr. GREENE of Vermont with Mr. CALDWELL.  
Mr. ANTHONY with Mr. HUMPHREYS.  
Mr. EDMONDS with Mr. CASEY.  
Mr. SANDERS of Indiana with Mr. NEELY.  
Mr. GOULD with Mr. ROWAN.  
Mr. JONES of Pennsylvania with Mr. SMITHWICK.  
Mr. ROWE with Mr. BOOHER.  
Mr. HUSTED with Mr. NICHOLLS.  
Mr. RIDDICK with Mr. RIORDAN.  
Mr. HOCH with Mr. DREWRY.  
Mr. DUNBAR with Mr. FISHER.  
Mr. REED of New York with Mr. CULLEN.  
Mr. MCCULLOCH with Mr. LANKFORD.  
Mr. PURNELL with Mr. SMITH of New York.  
Mr. GRIEST with Mr. PHELAN.  
Mr. PAIGE with Mr. MANN of South Carolina.  
Mr. ECHOLS with Mr. DOOLING.  
Mr. MERRITT with Mr. EAGAN.  
Mr. MCPHERSON with Mr. LESHNER.  
Mr. KAHN with Mr. RUCKER.  
Mr. MCFADDEN with Mr. DAVEY.  
Mr. MORIN with Mr. BRUMBAUGH.  
Mr. BOIES with Mr. GODWIN of North Carolina.  
Mr. OSBORNE with Mr. GANLY.  
Mr. KREIDER with Mr. OLNEY.  
Mr. JOHNSON of South Dakota with Mr. LARSEN.  
Mr. HUTCHINSON with Mr. KETTNER.  
Mr. BACHARACH with Mr. SEARS.  
Mr. BURKE with Mr. JOHNSTON of New York.  
Mr. BOWERS with Mr. CLARK of Florida.  
Mr. BROOKS of Pennsylvania with Mr. MCKINIRY.  
Mr. COPLEY with Mr. HAMILL.

Mr. LANGLEY. Mr. Speaker, I have a general pair with the gentleman from Florida, Mr. CLARK. If he were present, he would vote the same way as I would. I will let my vote "no" stand.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. HAUGEN. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Iowa moves that the House insist on its disagreement to the Senate amendment and agree to the conference asked for by the Senate. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, and Mr. LEE of Georgia.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on Senate amendment No. 92.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks on Senate amendment No. 92 to the Agricultural bill. Is there objection?

There was no objection.

EULOGIES ON THE LATE REPRESENTATIVE VAN DYKE, OF MINNESOTA.

Mr. DAVIS of Minnesota. Mr. Speaker, pursuant to resolution heretofore adopted, the House of Representatives, on Sunday, May 16, 1920, convened for the purpose of having delivered eulogies upon the life, character, and conduct of our recently deceased beloved colleague, CARL CHESTER VAN DYKE, of St. Paul, Minn. On that occasion a number of Members who desired to pay tribute to Mr. VAN DYKE were unavoidably absent. Recently I have received from some of them addresses which they desire to have incorporated in the Record concerning Mr. VAN DYKE.

I therefore, Mr. Speaker, ask unanimous consent to extend my remarks in the Record by inserting an address of Hon. FRANKLIN F. ELLSWORTH, of Minnesota, and of Hon. EVERETT SANDERS, of Indiana.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the Record for the purpose indicated. Is there objection?

Mr. GARD. Did not the Record contain at the time of the exercises an order that the Members had the right to extend their remarks on that subject?

Mr. DAVIS of Minnesota. It did; but I, having charge of the publication of the book, have been asked to make this request and have these addresses inserted in the Record. I desire to extend my remarks.

The SPEAKER. The gentleman has that right.

DISTRICT OF COLUMBIA BUSINESS—ROOSEVELT MEMORIAL ASSOCIATION.

Mr. MAPES. Mr. Speaker, this is District day; but before making the motion that the House resolve itself into Committee of the Whole House on the state of the Union to consider legislation reported by the District Committee, I wish to submit a unanimous-consent request. The District Committee of the House reported a bill to incorporate the Roosevelt Memorial Association. The Senate has reported and passed a bill of similar nature, although not identical. A bill identical with the one that the Senate passed was introduced in the House by the gentleman from New York [Mr. HICKS]. The only difference between the Senate bill and the bill reported by the House committee is that the Senate bill contains some names among the incorporators not in the House bill and has eliminated about half a dozen of the names that were in the House bill. Those who are especially interested and who have been especially active in this proposed association desire to have the bill passed as it passed the Senate. I therefore ask, before going into committee, that when the committee takes up that legislation the Senate bill may be substituted in place of the House bill on the calendar.

The SPEAKER. The gentleman from Michigan asks unanimous consent that when the House goes into Committee of the Whole House on the state of the Union for the purpose referred to, it may consider the Senate bill instead of the House bill. Is there objection?

Mr. MANN of Illinois. But, Mr. Speaker, this is not a Union Calendar bill. It is a House Calendar bill. Both would be considered in Committee of the Whole House on the state of the Union. As I understand the situation, the Senate bill is on the Speaker's table. I do not know what the Speaker or other Members would think, but I think it is in order to take it off the Speaker's table and take it up for consideration now, since the bill is substantially the same as the bill on the House Calendar. The change of a few names in a long list of names does not affect its being substantially similar.

The SPEAKER. Had the House committee reported before the Senate bill came over?

Mr. MANN of Illinois. Yes.

The SPEAKER. The Chair thinks the gentleman from Michigan can call it up if he wishes; but the Chair is informed that the Senate bill has been referred to the committee. That would prevent its being considered. But the gentleman could ask unanimous consent to discharge the committee and consider the Senate bill.

Mr. MANN of Illinois. He had better get the bill.

The SPEAKER. That does not need to be done in the House. The Chair thinks that either bill could be considered.

Mr. MAPES. I wanted to get the unanimous consent of the House to consider the Senate bill in committee when the subject is brought up. When the House is in Committee of the Whole House on the state of the Union for the consideration of bills reported by the District Committee it considers not only bills on the Union Calendar but bills on the House Calendar also.

Mr. MANN of Illinois. Oh, no.

The SPEAKER. The Chair was not aware of any such rule. Can the gentleman cite the Chair to any rule which either requires or authorizes that?

Mr. MANN of Illinois. That has not been the practice, Mr. Speaker.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. MAPES. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the calendar reported by the District Committee.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield for a request for a change of reference to which there is no objection?

Mr. MAPES. I yield to the gentleman for that purpose.

#### CERTAIN PROPERTY OF THE UNITED STATES IN SAN FRANCISCO.

Mr. LANGLEY. Mr. Speaker, the bill (S. 3995) providing for the relinquishment of certain described property by the United States to the city and county of San Francisco, State of California, was erroneously referred to the Committee on the Public Lands. The chairman of that committee has requested me to ask that the reference be changed to the Committee on Public Buildings and Grounds. I have consulted him, and also the minority leader.

Mr. MANN of Illinois. Mr. Speaker, there is no use of the gentleman from Kentucky getting down in front and talking quietly to make his request. We want to hear what he says.

Mr. WALSH. I make the point of order that that request is not in order at this time.

Mr. LANGLEY. There is no objection at all to it.

Mr. MANN of Illinois. We could not hear what the gentleman's request was.

The SPEAKER. The gentleman submits a request for unanimous consent for a change of reference.

Mr. WALSH. I object.

The SPEAKER. Objection is made.

#### DISTRICT OF COLUMBIA BUSINESS.

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN of Illinois. Under the form of the motion of the gentleman from Michigan [Mr. MAPES], can bills on the House Calendar be considered in Committee of the Whole?

The SPEAKER. The Chair knows of no rule that either requires or allows that.

Mr. MANN of Illinois. The motion in the form in which it was made was not in order. The proper motion is that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of business reported from the District Committee in order.

The SPEAKER. The Chair will hear the gentleman from Michigan, if he has any authorities on the subject.

#### WEIGHTS AND MEASURES FOR THE DISTRICT OF COLUMBIA.

Mr. MAPES. It will take me some time to refer to the rule, but I am certain that that is the rule.

I will change the form of my motion, so as to save time.

I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 8067, to establish standard weights and measures for the District of Columbia, to define the duties of the superintendent of weights, measures, and markets of the District of Columbia, and for other purposes, and other business in order.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 8067 and other business in order.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. What was the ruling of the Chair upon my request for a change of reference?

The SPEAKER. Objection was made to the gentleman's request.

Mr. LANGLEY. I did not so understand it, but if so it is all right.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. MAPES].

The motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] occupied the chair when this bill was last under consideration, but in his temporary absence the Chair will ask the gentleman from Massachusetts [Mr. WALSH] to take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8067) to establish standard weights and measures for the District of Columbia, to define the duties of the superintendent of weights, measures, and markets of the District of Columbia, and for other purposes, with Mr. WALSH in the chair.

The Clerk read the title of the bill.

Mr. MAPES. Mr. Chairman, when this bill was up for consideration, before section 15 had been read and at the time the committee rose, there were two amendments pending to that section, one to strike out the entire section and one to strike out paragraph (a) of the section. The motion to strike out paragraph (a) was made by the gentleman from Massachusetts [Mr. WALSH] and the motion to strike out the whole section was made by the gentleman from Illinois [Mr. MADDEN].

My understanding of the reason for the motion to strike out paragraph (a) was that this paragraph is already a national law. That is true; but the District authorities tell me that in order to make it so the corporation counsel and his office can have charge of the prosecutions under it, and in order to make it possible for the police court of the District of Columbia to have jurisdiction of the cases which arise under it we must reincorporate this provision in this bill; otherwise complaints would have to be made through the office of the United States district attorney and go into the United States district court.

Mr. GARD. Will the gentleman from Michigan yield?

Mr. MAPES. I yield to the gentleman from Ohio.

Mr. GARD. Do I understand the gentleman's statement to be that it is reported to him that if we reenact this bill in this form it operates practically as a city ordinance would operate in any other city?

Mr. MAPES. Yes; practically.

Mr. GARD. Thereby taking the cases into the municipal court and not compelling them to be brought in the United States district court.

Mr. MAPES. That is the fact. By reenacting this paragraph in this bill, which applies only to the District of Columbia, the cases arising under it can be brought in the police court; otherwise they have to go to the United States district court.

Mr. BEE. May I ask the gentleman from Michigan, is there now a law similar in import to this, or is this a brand-new proposition for the District of Columbia?

Mr. MAPES. There is a national law which is in substance the same as paragraph (a) of this section.

Mr. BEE. I am speaking of the District of Columbia.

Mr. MAPES. But it does not apply specifically to the District of Columbia.

Mr. BEE. What I was seeking to ascertain was, is there now in the District of Columbia such a law as would govern and cover the matters involved in this bill, the effect of which would be merely an amendment under this bill, or is it an original and brand-new proposition?

Mr. MAPES. This is new as far as the District of Columbia is concerned.

Mr. GARD. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MANN of Illinois. Mr. Chairman, I appreciate the reasons given by the gentleman from Michigan and by the District Commissioners for putting these provisions in the bill. I think myself there ought to be an opportunity for the police officers of the District to bring to trial cases before the police court for violations of the law. But allow me to suggest to the gentleman from Michigan, although I take it that this bill was prepared by the District Commissioners, that it would have been much wiser and so much easier to have put a provision in the bill authorizing violations of the general law with reference to these matters to be tried as though they were District offenses in the District court, and I am surprised that they did



not adopt that method. Here we will have in the end a general law and then a specific law for the District, and they are not the same. The definitions and descriptions are not just the same, and there will be two laws in force in the District of Columbia on the same subject which do not agree. I am sorry that the District Commissioners in preparing this bill were not wise enough to have inserted a provision authorizing offenses under the general law relating to these matters to be tried in the District court as though they were District offenses.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SANFORD having taken the chair as Speaker pro tempore, a message in writing was received from the President, by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed bill of the following title:

On May 21, 1920:

H. R. 13555. An act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes.

WEIGHTS AND MEASURES FOR THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. This bill is similar to other bills which we have had from time to time before the House. The gentleman from Illinois [Mr. MANN] has correctly called attention to the fact that if this bill should become a law you would have one law applying to Maryland and Virginia and the adjoining territory, and another law that applies to the District of Columbia.

Now, if there is any place in the Union where that would be vicious in the practical working, it certainly is here in this small territory of the District of Columbia.

Why, gentlemen, the very argument that is made in support of the general law and fixing a Federal standard for all baskets and everything of that kind is that then you would have a uniform standard for the whole country, while now all States do not have the same standard.

What do you propose to do? You propose here at the central market for two or three States—because the District of Columbia has to depend for its fruits and vegetables on nearby States—you propose to penalize a farmer for selling goods in the District of Columbia which would be lawful in a State to sell under Federal statute. You would penalize him if he brings in fruit in a hamper or container to the District of Columbia that is the lawful container under a general statute that controls in Virginia, Maryland, and Pennsylvania.

Mr. MAPES. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. MAPES. Is the gentleman discussing this bill, this section, or a hypothetical case?

Mr. WINGO. I am very sorry that my limited capacity is such that I can not express myself so that the gentleman can comprehend me. I believed that I was discussing this section and the whole bill. I may not be, and I am sorry that I can not express myself in language that the gentleman can comprehend as being directed to the bill and the section under discussion.

Mr. MAPES. If I understood the gentleman correctly, I do not think he is discussing the amendment before the House.

Mr. WINGO. I am discussing section 15.

Mr. MAPES. The motion is to strike out paragraph (a) of the section, which in substance is the same as a national law.

Mr. WINGO. Paragraph (a) is not the general law. You have no such provision in the general law. You have one good provision in section (a). It reads as follows:

*Provided*, That any barrel of a different form having a capacity of 7,056 cubic inches should be a standard barrel.

That is the only practicable provision I have seen in any of these bills, because there it undertakes to say that you are going to protect the farmer by saying that whatever may be the type of the container, how long or big the staves may be, he is protected, provided that the consumer gets the contents. In other words, he gets full measure. That is practical. If you did not have that, if a farmer had one barrel of apples coming off of a little tree, and he put them in a flour barrel or some other barrel, and brought them into town and said he wanted to sell his barrel of apples, he would be violating the law unless you have this provision in the bill. It violates section (a) if it happens to have 1 inch less or 1 inch more.

But let me get down to page 17, section 15, where you provide:

All kale, spinach, and other similar leaf vegetables shall be sold at retail by net weight.

That is thrown in for good measure in this bill. That is not fixing a standard container. It says that if I go to market,

as I do, twice a week to buy turnip greens—because I am fond of hog jowl and turnip greens—I must have them weighed, although I do not want them weighed or buy them by net weight. I want to buy them in the customary way that you buy them on the curb from the old negro woman who brings them in or from the farmer. You tell me that you have to weigh up a mess of turnip greens that a farmer has, and that he must have a pair of scales! How on earth would I tell how many pounds I wanted?

Mr. LAYTON. Oh, the gentleman would soon learn.

Mr. WINGO. That is the trouble. Whenever the Federal Government—whenever Congress—undertakes to say that a man must learn how to measure his appetite and to buy his turnip greens by net weight, contrary to lifelong custom and common sense, then you present what I said once before on a bill of this kind—it is damned foolishness gone to seed.

Mr. LAYTON. I think the gentleman will find that turnip greens are being sold now by weight.

Mr. WINGO. Who ever heard of turnip greens being sold by weight? The gentleman does not know turnip greens from jimson weed.

Mr. LAYTON. Oh, we had jowl and turnip greens before the gentleman's state was settled.

Mr. MAPES. Practically every State in the Union has that requirement.

Mr. WINGO. There is not a single State in the Union that requires you to buy and sell turnip greens by weight. Name one. The gentleman's own State of Michigan does not. The gentleman would not know turnip greens if he were to see them. When you require turnip greens to be sold by weight you offer an inducement for fraud by watering them.

Mr. BEE. Mr. Chairman, I move to strike out the last word. I am very anxious to do anything that will help the District of Columbia, even though I must say to the gentleman from Michigan [Mr. MAPES] that I completely despair when I have to pay 8 cents to ride on a street car here in Washington, and I sometimes wonder whether the people are deserving of any help or not as long as it continues. I am very loath, however, to go to the length this bill contemplates and say to the farmers and other people who trade in the city of Washington that they must have baskets and containers of a certain size. I notice, for instance, on page 15, that a one-peck hamper shall contain 537.6 cubic inches. It may be that some man who has a basket hamper has one that does not contain the exact number of tenths of cubic inches, and that man is made a criminal under the laws of this land.

I differ with the gentleman from Arkansas [Mr. WINGO] in that. Unfortunately for me I do not keep house in the city of Washington, and therefore I am not directly affected, but I am rather inclined to favor the old-time system of going to your market and taking your chance, buying from the dealer the apples or the berries or anything else that you have in mind, taking your chance that he has not filled the bottom of the basket with straw and put the strawberries on top. Gentlemen talk about these hamperers. The only hamper that I see connected with this bill is in the absolute tendency of Congress to continue to hamper individual efforts, to turn into penal offenses everything on earth that a man has to do. I can not reconcile myself with a bill of this kind, constantly fixing measures and telling the people how they shall buy spinach or cabbage, and how they shall sell it, or how much shall be in an onion crate. The average man who is selling apples or onions does not know any more about a cubic inch than a hog does about side pockets. Yet the Congress of the United States, with great questions pending, in the midst of its deliberations when the people are crying out for relief, is asked to pause and send word to a lot of men and women in the Center Market that if they do not build their baskets and hamperers just exactly as Congress says they shall, they shall become criminals. I do not believe there is any demand for a measure of this kind, and I do not believe any good purpose is going to be served by it. For that reason I want to register my very earnest protest against this kind of legislation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last three words. Everyone who has to buy anything in the District of Columbia knows that in one way or another he has to pay too much for it. He has either to pay too high a price or accept short weight or short measure. The farmer has been brought into this argument for the weight that reference to him always carries with it. Those who undertake to deceive themselves into thinking that this is a law made against the farmer are mistaken. If it were made against the farmer who is giving short weight or short measure I would still be for the bill. The farmer brings his produce into the District of Columbia in bulk, and down at the Center Market and all

of the other markets, the stall masters subdivide that bulk into containers. The farmer does not make the basket or the container in which it is sold to the public. That is made by the manufacturer of those articles who engages in that business, and the stall masters buy from those manufacturers. When a manufacturer has been told that the container to be used in the District of Columbia must be of certain dimensions, then that basket or container will be made to conform to those dimensions.

If I am correctly advised, the difference between the national law and this one which is proposed as a local law is inconsequential. There can be no conflict between the two in the District of Columbia, for the reason that it is accepted by all that a special law takes precedence over a general one. In addition to that, this special act comes along later than the general one, which is national, and, therefore, would take precedence.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BEE. Is it not true that every time you pass restrictive measures of this kind you add to the price of the article sold, because you put the additional burden upon the man and he comes back on the consumer at last, who must pay the additional expense?

Mr. JOHNSON of Kentucky. No; I do not think so. I do say, however, that every time you fail to pass a bill of this kind you place additional obligations upon the consumer by permitting the dishonest merchants to cheat the consumer. I hope that all amendments to this section will be voted down. I withdraw the pro forma amendment.

Mr. MAPES. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, this debate has taken a very wide range. I directed my remarks to the motion to strike out paragraph (a) of this section, but the discussion has been so general that I desire to say a word in addition to what I said before. I fail to understand the attitude of mind of those who have objections to making a law that only requires a man to deliver what he receives pay for. The purpose of this bill is to provide that dealers in the District of Columbia who sell commodities shall deliver what they are paid for. That is all there is to it. There is not an honest dealer in the District who has any objection to this legislation. This bill is based upon the national law as it applies generally and upon the State laws where there is no Federal law.

It has the indorsement, I would like to say, of the Retail Dealers' Association of the District. I have in my hand here a letter written early in January by the Retail Grocers' Protective Association of the District of Columbia indorsing the bill generally, and calling attention especially to two separate provisions of the bill, and it says:

Our association, composed of a large number of retail grocers in Washington who believe in fair dealing and upright business methods, wishes to go on record as approving the provisions of the bill in question as a whole, and we wish to emphasize our approval of what appear to be the two most important provisions of the bill.

2. The provision relating to the establishment of standard containers for fruits and vegetables—

And that is this section 15:

While it may not be realized by persons not familiar with the situation it is a fact, nevertheless, that with no standardization of containers for these commodities, the retail merchant who is compelled to buy fruits and vegetables daily to supply his customers, does not have proper assurance that he will receive the quantity for which he pays. Retail merchants often purchase produce of the kind mentioned in what appear to be containers that hold definite and standard quantities only to find after the commodities have been delivered to them that containers that readily deceive the eye of even the experienced buyers have been delivered. When a merchant has thus been deceived, he must either sell at a loss or advance the price to the consumer.

And the argument they advance applies with so much greater force to the people who buy at retail, who buy only in small quantities, and who do not have the same experience as the retail dealers have. It is said that it is the practice of some dealers here in the District of Columbia to buy in containers which provide full measure and dump the products out of those containers and put them into containers which deceive the eye and appear to hold a half bushel or a bushel when they do not, and in that way they get pay for a greater quantity than they buy. Now, I do not believe there is any Member of Congress who if he understood this situation would have a particle of objection to the attempt to pass a law which enables the superintendents of weights, measures, and markets to get at this thing and control it, and that is all this legislation attempts to do.

Mr. BEE. Will the gentleman yield?

Mr. MAPES. I will.

Mr. BEE. Does not the gentleman from Michigan believe that under the statement of facts just submitted by him, the general charge and indictment of theft under a false pretext would lie and obviate the necessity of this law?

Mr. MAPES. It might if you could make out a case, but why make it necessary to go to that extent. The gentleman as a lawyer knows how difficult it is to establish that a container does not hold a half bushel or a peck, and why not make it impossible to use any but standard containers? It is made impossible in almost every jurisdiction in the United States.

Mr. WINGO. Will the gentleman yield?

Mr. MAPES. I will.

Mr. WINGO. The gentleman says that as a lawyer the gentleman from Texas knows how difficult it is to make proof that a man is guilty on a false-pretext indictment. Would he not have to make the same identical proof on the same facts to prove a man guilty under the criminal section of this bill?

Mr. MAPES. No. The inspectors could go and see that the containers which were used were proper containers and had the proper measurements. I will say to the gentleman from Arkansas these provisions are in force in almost every jurisdiction of the United States. There is nothing new about this bill. Why do we leave the people of the District of Columbia helpless—

Mr. WINGO. On that point will the gentleman permit me to ask him a question?

Mr. MAPES. Why is the thing allowed in the District of Columbia and not allowed elsewhere? They are allowed in the District of Columbia to sell potatoes in quarter-peck measures. You can not measure potatoes in a quarter-peck measure. They are allowed in the District of Columbia to use these lug baskets as hampers. They get bent out of shape and are drawn up together, and they get so they do not contain nearly the quantity they are expected to hold, but still they are allowed to use them as containers.

Mr. WINGO. Will the gentleman yield for a question?

Mr. MAPES. Now, I do not believe the gentleman from Arkansas wants to countenance any such thing as that.

Mr. WINGO. As I understand, the gentleman says this is identical with the general statute—

Mr. MAPES. No; I did not say it is identical—

Mr. WINGO. Oh, it is not; all right. Now, what is the necessity for having one law for the market in Washington and another law for the market of the city of Alexandria?

Mr. MAPES. We are not applying it to the market of Alexandria.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. Mr. Chairman, I desire to make a parliamentary inquiry as to the status of any preceding amendment.

The CHAIRMAN. The Chair is informed there is an amendment pending to strike out from line 8, page 12, down to line 5, page 13, of paragraph A, section 15, and that there is also an amendment pending to strike out the entire section 15.

Mr. GARD. The entire section?

The CHAIRMAN. The entire section.

Mr. GARD. Mr. Chairman, I move—

Mr. MAPES. Will the gentleman withhold that for a moment to see if we can reach an agreement as to time?

Mr. GARD. I will yield.

Mr. MAPES. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that debate on this section and all amendments thereto close in five minutes. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, does the gentleman mean on this paragraph?

Mr. MAPES. On the section.

Mr. GARD. There may be some gentlemen who desire to discuss the matter, and I hope the gentleman will make it 10 minutes.

Mr. MAPES. I will modify my request.

The CHAIRMAN. The gentleman modifies his request that debate on this section and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. Mr. Chairman, in the matter of this section 15, I beg leave to bring the attention of the chairman of the committee to it so we may all understand just what this section 15 is. It seems to me that the statement of the gentleman from Illinois, with reference to the general law being applied in the District of Columbia, is probably a correct statement, and yet I concede possibly there may be cases where the general law, in so far as special jurisdiction in the District of Columbia is concerned, should be supplemented by a particular statute;



therefore it seems from my observation of the bill and the comparison I make with the general law, the first part, known as section (a), is identical with section 6507, which is the standard barrel for fruit and other dried commodities. Now, if I may have the attention of the gentleman long enough to ask him this question, I made the statement that subdivision (a) is identical with the general law in section 6507. Was that correct?

Mr. MAPES. I think there are some verbal changes, but in substance it is the same.

Mr. GARD. Then I find that section (b) relates to the standardization for climax baskets, 2 quarts, 4 quarts, and 12 quarts, and is absolutely identical with section 6516 of the general law.

Mr. MAPES. The standard container act.

Mr. GARD. The standard for climax baskets. When we leave that we take up what seems new legislation, and if it be not new, I would like the gentleman to advise us, but I do not see in the general law provisions about the six-basket crate or the four-basket crate. And what about the standard box for berries, cherries, shelled peas, shelled beans, and about standard lug boxes or one-half bushel lug box, or hampers for fruits and vegetables in their proper dimensions? These all seem to me to be new.

Mr. MAPES. If the gentleman will permit, paragraphs (c), (d), and (e) are practically the same as in the standard container act. Paragraph (f), relating to lug boxes, is new, so far as Federal legislation is concerned, but it is the same as the law in several States.

Mr. GARD. It is new in so far as the general law is concerned?

Mr. MAPES. Yes. That is true as to paragraph (f).

Mr. GARD. What is the difference in paragraph (i)? We passed a law some time ago about standard apple boxes. Is that the same law that we have here on page 16? We have apple boxes and pear boxes and onion crates.

Mr. MAPES. That is new as far as the District is concerned, although it is a very common provision in other jurisdictions.

Mr. GARD. I am in favor of having the greatest accuracy in weights and measures. I think the people that buy are entitled to that. But what I wanted particularly to have the gentleman's word about was as to whether there will be any conflict between this bill, if we enact it, and the general law which applies to Maryland, Virginia, and Pennsylvania, and the other States which send produce here?

Mr. MAPES. None at all. I am very glad to have the gentleman make that inquiry.

Mr. WOODS of Virginia. Mr. Chairman, I want to say that the officials having charge of the enforcement of this business were very earnest and insistent upon Congress providing some remedy that would give them the power to regulate the conditions dealt with by act in the District. There has been a great deal of complaint, as they tell us, in regard to fraud and deception in the sale of fruits and vegetables. And you will notice, gentlemen of the committee, that this bill is not drastically drawn, but it has for its aim the accomplishment of that which I think we ought to have in mind in trying to arrive at a standard of weights and measures—to reach the end by processes which are evolutionary rather than revolutionary. After providing what shall be the standard of a barrel, for instance, of apples, it says that any other barrel that contains the necessary number of cubic inches shall be considered as standard. I think it wise that we attempt to reach some standard, and for that reason I was in favor of the bill that was before the House some time ago, notwithstanding the fact that some of my colleagues from the South were very much opposed to it. I believe if we pass this measure we will put the enforcement of the law in the hands of those who have charge of its enforcement, who have presented to us a practical measure, and which the committee, I believe, has unanimously recommended. And I hope it will be the pleasure of the committee to vote down the proposed amendment striking out section (a).

The CHAIRMAN. The question is on agreeing to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 12, line 8, strike out lines 8 to 25, inclusive, and lines 1 to 4 on page 13.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. MADDEN: Page 12, line 5, strike out all of section 15.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 16. That nothing in this act contained shall be construed as permitting the use as a dry measure or substituting for a dry measure any of the following containers: Barrels, boxes, lug boxes, crates, hampers, baskets, or climax baskets; and the use of any such container as a measure is hereby expressly prohibited, and the user shall be fined or imprisoned as herein provided for other violations of this act.

The following committee amendment was read:

Insert a new section as follows:

"Sec. 16 $\frac{1}{2}$ . That no person shall sell, offer, or expose for sale in the District of Columbia any food in package form unless the quantity of contents is plainly and conspicuously marked on the outside of each package in terms of weight, measure, or numerical count. The commissioners are authorized to establish and allow reasonable variation, tolerances, and exemptions as to small packages."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

Sec. 17. That a cord of wood shall contain 128 cubic feet. Wood more than 8 inches in length shall be sold by the cord or fractional part thereof, and when delivered shall contain 128 cubic feet per cord when evenly and compactly stacked. Split wood, 8 inches or less in length, may be sold by such standard loads as shall be fixed by the commissioners.

That a barrel of flour shall contain 196 pounds avoirdupois, net weight, and fractional parts thereof shall contain proportionate net weight.

A standard sack or bag of potatoes shall contain 90 pounds of potatoes at the time of sale, and potatoes shall not be sold by the sack or bag in other than standard sacks or bags.

Mr. MAPES. Mr. Chairman, I move to strike out, on page 18, lines 5 and 6, "196" and insert "200."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MAPES: Page 18, lines 5 and 6, strike out the words "one hundred and ninety-six" and insert in lieu thereof the words "two hundred."

Mr. MAPES. Mr. Chairman, that is for the purpose of making this comply with the language of the bill which was passed some time ago.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word.

The committee just agreed to an amendment called "section 16 $\frac{1}{2}$ " which provides that the commissioners are authorized to establish and allow reasonable variation, tolerances, and exemptions as to small packages. I do not know whether that ought to be "variations" or not. In the pure-food law we provided that there should be reasonable variations allowed, and what they should be should be fixed by the Department of Agriculture. In other words, the theory of that was that Congress by legislation provides that there shall be reasonable variation, leaving the detail of fixing what the variations shall be through an administrative officer. We went on the theory that we had enacted railroad legislation, providing, for instance, that railroad rates should be reasonable, giving to the Interstate Commerce Commission the authority to say as a matter of detail what reasonable rates were. That goes to the whole question of the legislative functions of Congress, namely, how far you can confer legislative authority upon executive or administrative officials.

Courts have held that Congress can not confer or delegate its legislative authority. It could delegate to administrative officers the fixing of details under a legislative act of Congress. I am not sure whether this form of this legislation is constitutional or not. It may be held to be so. It is, in fact, legislation. I think it would have been far wiser if in drawing this bill we would say that reasonable variations, and so forth, shall be allowed. That is a legislative function allowing reasonable variations. Then the administrative officers fix the details. But here as it stands is the proposition allowing the commissioners to legislate as to whether they will allow reasonable variations or not. I thought I would not let it pass without calling attention to that fundamental distinction between legislative and administrative authority.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Clerk read as follows:

Sec. 25. That the commissioners are hereby authorized and empowered to establish tolerances and specifications for scales, weights, measures, weighing or measuring instruments or devices, and containers used in the District of Columbia, not inconsistent with the provisions of this act, and such as conform thereto shall be approved.

Mr. GARD. Mr. Chairman, I move to strike out section 25.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 21, line 6, strike out all of section 25.

Mr. GARD. Mr. Chairman and gentlemen of the committee, section 25, as it appears on page 21, is going much further even than the matter to which the gentleman from Illinois [Mr. MANN] very pertinently called attention a moment ago. My recollection is that in the writing of the pure-food law the question of tolerances was written in the general law. Of course, everybody realizes that there may be times when a slight variation is necessary; that it would be impossible to preserve an absolute equality of measures at all times. But the tolerance is a thing in itself. In section 25 we provide that—

The commissioners are hereby authorized and empowered to establish tolerances and specifications for scales, weights, measures, weighing or measuring instruments or devices, and containers used in the District of Columbia, not inconsistent with the provisions of this act, and such as conform thereto shall be approved.

Now, if that means anything, the ordinary acceptance of it would be that the Commissioners of the District of Columbia would be authorized and empowered to say what these baskets shall contain, what these measures shall be, what the scales shall be, what the weights are, when in reality we are legislating in this act as to what they should be in the District of Columbia. I call the attention of the chairman of the committee to this, because it really seems to me that in section 25 you are practically undoing what you are affirmatively doing in the remainder of the act.

Mr. PARRISH. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. PARRISH. In section 28, on page 22 of the bill, it is provided that these powers and duties that are granted to the superintendent may be delegated to any of his assistants or inspectors, and it seems to me that that provision, taken with the one that the gentleman refers to, would leave it to the assistants to do away with this law.

Mr. GARD. Yes. I have not read that section, but it does seem to me true that when we say in the different sections what the measure shall be, and then come along in section 25 and provide that the commissioners may say that that measure shall be something else "that is not inconsistent with the provisions of this act and such as conforms thereto shall be approved," we are attempting to say, not in very accurate language, that the commissioners may make a different standard than that which Congress makes by legislative enactment.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes; very gladly.

Mr. MAPES. My information is that section 25 is the same as the law to which the gentleman refers, with the addition of the words "and specifications." The existing law does take care of the tolerances, but not the specifications.

Mr. GARD. My idea is that the law would take care of tolerances. My contention in brief is, if I may make it to the gentleman, that I think it is very proper that the law should take care of tolerances, but I do not believe we should go so far as to legislate that the commissioners are empowered to make specifications.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. Mr. Chairman, I ask leave to proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. MAPES. It seems to me that the specifications and tolerances that the commissioners make here for the District of Columbia should be the same as the Bureau of Standards or the Agricultural Department, or whatever it is that makes them under the general law. I have an amendment of that kind which I thought of offering, requiring the commissioners to make the same specifications and tolerances.

Mr. GARD. I would be very glad if the gentleman would suggest it. I have no interest except in seeing that the law is made a workable law.

Mr. MAPES. I will offer a section later.

Mr. GARD. If the gentleman would at this time suggest what his amendment is, we might be able to understand the purpose of this section.

Mr. MOORE of Virginia. Mr. Chairman, while the gentleman is getting ready to furnish that information I suggest that the

language used in the general statute might be employed. It is to this effect: "Reasonable variations may be permitted and tolerances established by rules and regulations made," and so forth. If the officials who are to make those under the general law would be different in the District of Columbia, they would be the Commissioners of the District instead of the Director of the Bureau of Standards, in connection with the Secretary of Commerce.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. GARD. I yield to the gentleman from Michigan.

Mr. MAPES. If the gentleman will permit, I will offer my proposed amendment at this place.

Mr. GARD. I shall be glad if the gentleman would.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

Mr. MAPES. It is to be inserted at the end of section 25.

Mr. GARD. Does the gentleman include all of the language in section 25 and then insert this? Is that the idea?

Mr. MAPES. Yes.

The Clerk read as follows:

Amendment offered by Mr. MAPES: Page 21, line 11, after the word "approved," insert: "The commissioners shall prescribe and allow for barrels, containers, and packages provided for in this act the same specifications, variances, or tolerances that have been prescribed or established, or that may hereafter be prescribed or established for like barrels, containers, or packages by any official of the United States in accordance with the requirements of any act of Congress."

Mr. GARD. Will the gentleman pardon me a moment?

Mr. MAPES. Yes.

Mr. GARD. The question was asked me by the gentleman from Kentucky [Mr. JOHNSON], a member of the committee, if it was the gentleman's intention to strike out section 25 and insert what the gentleman has offered by way of amendment? It seems to me that it would probably take care of the situation with the other language in section 25 eliminated.

Mr. MAPES. I will say to the gentleman that this amendment, at my suggestion, was prepared by the superintendent of weights, measures, and markets. He intended to have it inserted after section 25.

Mr. GARD. It would seem to me better if you would leave out section 25, but the gentleman knows more about the construction of the bill than I do.

Mr. MANN of Illinois. I will say to the gentleman from Ohio, if he will permit me—

Mr. GARD. Surely.

Mr. MANN of Illinois. Here is the situation. We fix a certain standard, and define what it shall be.

Mr. GARD. Yes.

Mr. MANN of Illinois. The standard of a barrel, for instance. Now, two barrels that were identically the same were never made, and never will be probably, but we specify what the barrels shall contain. It is necessary to provide that there may be tolerances. I think the proper way to do is to say that reasonable tolerances shall be allowed, and then provide that somebody shall fix them. However, you can not entirely strike out section 25 without putting something in the place of it, because that is the only place where you allow tolerances.

Mr. GARD. The gentleman has offered an amendment which, I think, covers the case.

Mr. MANN of Illinois. No; the amendment does not say that tolerances shall be allowed. The amendment provides what they shall be, but you must first either provide that tolerances shall be allowed, which, I think, is the proper form, or else provide that the commissioners may establish tolerances. Now, the amendment only provides what those tolerances shall be. In other words, that the commissioners shall establish the same tolerances that the Agricultural Department or the Department of Commerce have established in cases covering the same matter.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BEE. Mr. Chairman, I rise in support of the motion of the gentleman from Ohio [Mr. GARD]. I am going to say the last word I have got to say on this subject. I realize by the temper of the committee that they are going to pass this bill. However, I wish to suggest this thought: I think it was very unfair to the distinguished gentleman from Massachusetts [Mr. WALSH] to put him in the chair when his amendment was up a while ago, and leave nobody to plead for his amendment when it came up.

This section 25, which we now have under consideration, presents to my judgment a curious situation. I have always understood that penal laws were to be strictly construed. Here is an act of Congress that proposes to make criminals out of men who do not build a hamper or a crate or basket of certain proportions. Yet in the same law it is intended to insert a clause that the commissioners shall sit down in their offices



and say to John Smith, "We will give you a tolerance to violate the law on this subject; but you, Bill Jones, have not spoken to us in the proper way, and you get no tolerances. You must obey the law." It is the first time in my life that I have ever heard of a criminal law carrying propositions of tolerance to be decided by some individual in favor of the lawbreaker.

But, as I say, I realize that this law is going to be enacted. The temper of the committee has indicated that. But once more I want to enter my protest against the modern tendency, in Congress and elsewhere, to create offenses, to make criminals out of men for things that the law already covers, under the doctrine of theft by a false pretext, or any offense of that kind.

Mr. MAPES. Will the gentleman yield?

Mr. BEE. I yield to the gentleman from Michigan.

Mr. MAPES. Of course, the commissioners would not make tolerances which would apply to individual cases only. They would make the tolerances apply generally and publish them so that the public would know what they were.

Mr. BEE. In other words, do I understand the gentleman from Michigan, then, to contend that a criminal statute which provides criminal punishment for the offender is also to provide that the men whose duty it is to enforce it may sit in their offices and send out notices broadcast that certain offenses against the law will be permitted and not each individual come to present his claim to the commissioners? Do I so understand the gentleman from Michigan?

Mr. MAPES. Oh, no; it is similar to the law. If this bill is passed and the tolerances are provided for by the commissioners, they become an amplification of the law; then dealers and others must abide by them.

Mr. BEE. I have practiced law in a limited way in the past. If there was one doctrine of criminal law that I thought was well established it was that criminal statutes, which make criminals out of citizens of this country, should be strictly construed and that they should be enforced; but here, even under the explanation of the gentleman from Michigan, we propose to pass a law by which when people go to market, if some fellow manages to sell them a dozen strawberries less than they ought to have received, that man is made a criminal unless the commissioners give him a tolerance and say to him that he shall go ahead under such regulations as they prescribe.

I say I recognize the futility of my protest, but I want to register it.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word, simply for the purpose of submitting my view to my friend, the chairman of the committee [Mr. MAPES].

Section 25, which is under consideration, authorizes tolerances, and so forth, "not inconsistent with the provisions of this act." Let us test the operation of that authorization with reference, for instance, to what is provided on page 13, lines 8 to 11, inclusive. There it is provided that—

A standard sack or bag of potatoes shall contain 90 pounds of potatoes at the time of sale, and potatoes shall not be sold by the sack or bag in other than standard sacks or bags.

Now, as I understand, under section 25 the commissioners would have no right at all to interfere with that requirement and prohibition.

Mr. MAPES. No.

Mr. MOORE of Virginia. All that the commissioners can do under section 25 is to do something not inconsistent with the terms of the act.

Mr. MAPES. Certainly.

Mr. MOORE of Virginia. So this act would restrict the standard sack or bag of potatoes absolutely to 90 pounds, which is not a practical thing. Potato raisers who are here on the floor can tell you that. I am informed that at this time there is no potato sack which contains 90 pounds. There are potato sacks that contain less than 90 pounds and there are many sacks that contain more than 90 pounds. So if we adopt this bill as it stands, there is that limitation. We fix the potato sack at 90 pounds and section 25 does not give any opportunity to get away from it where potatoes are sold by the sack.

Mr. MAPES. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. MAPES. The gentleman's statement is not in accord with the information which I have received when he says that there are no sacks containing 90 pounds of potatoes. My information is that that is the customary sack that is used here in the District of Columbia, and that it is in very general use. Of course, this could not apply to potatoes that are sold otherwise than in sacks, or that are shipped in interstate commerce and are sold in the original packages.

Mr. MOORE of Virginia. As a matter of fact, the truckers of Maryland and Virginia bring potatoes here in sacks, in their own vehicles, and sell them in sacks, and the sacks are not 90-pound sacks.

Mr. MAPES. My colleague from Rhode Island suggests that these are sold by the sack and not in the sack. This proposed legislation is trying to remedy this situation, for example, which exists in the District to some extent: Certain men travel around in the residence portions of the District in the fall of the year representing themselves to be farmers, selling potatoes in the sack. A great many housewives buy potatoes of these men, and after the potatoes are sold the men disappear and nobody knows where they come from or where they go to.

The CHAIRMAN (Mr. Hicks). The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MAPES. The superintendent of weights and measures tells me that it is a frequent practice on the part of these men to take a few pounds out of each sack, so that they really sell 85 pounds or less. They are representing to the housewives that the sacks contain 90 pounds. As soon as they get their money they are gone and nobody can locate them. They go around imposing on the housewives in the District. The superintendent recommends some such legislation as this so that he can better cope with this situation and stop such practices.

Mr. WELLING. May I interrupt the gentleman to say that in the markets of this city the potatoes shipped in by carload lots from the gentleman's own State and all over the Northwest come here not in 90-pound bags but come in 150-pound bags? I do not believe that the gentleman can find anywhere in Washington, except what are sold by the farmers, a 90-pound sack.

Mr. MAPES. Does not the gentleman see that this legislation would not interfere with that in any way?

Mr. WELLING. I think it would.

Mr. MAPES. There is such a substantial difference between 90 and 150 pound sacks.

Mr. WELLING. But you make 150-pound sacks unlawful.

Mr. MAPES. Potatoes shipped in interstate commerce in 150-pound sacks can be sold, but the retailers could not sell from those sacks by the sack. Retailers could not sell potatoes by those sacks in the District of Columbia if this bill becomes a law. This is for the protection of the purchaser from the retailer, for the protection of the consuming public, and is not designed to interfere in any way with the shipment of potatoes in interstate commerce.

Mr. WELLING. I have grown potatoes all my life, and a sugar sack will hold approximately 90 pounds. A wheat sack such as the farmer has on his farm will hold 110 pounds. You forbid these men who are bringing potatoes into this market on their wagons from selling potatoes unless they put them in a 90-pound bag and do not use up the vacant space.

Mr. MOORE of Virginia. Let me ask the gentleman whether the weight of potatoes varies according to the season at which they are sold?

Mr. WELLING. Not so very much.

Mr. MOORE of Virginia. But to some extent?

Mr. WELLING. Yes; this bill makes it mandatory on every person to put his potatoes in a 90-pound sack. I will wager that if you go into the market to-day, down into the truck regions, you can not find a container having 90 pounds of potatoes in it ready for sale. They will have 60 pounds or considerable more than 90 pounds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The CHAIRMAN. The question now is on the motion to strike out.

The question was taken, and the amendment was rejected.

Mr. GARD. Mr. Chairman, I move to strike out, on page 21, line 10, after the word "Columbia," the comma and insert a period, and then strike out the balance of the language in lines 10 and 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GARD: Page 21, line 10, strike out the comma after the word "Columbia" and insert a period. Strike out the remainder of lines 10 and 11.

Mr. MAPES. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The Clerk read as follows:

SEC. 27. That no person shall, within the District of Columbia, upon any freight bill, express bill, or other bill for transportation, indicate the weight of any commodity upon which weight the freight, express, or other transportation charge or charges is or are based except the true gross weight of such commodity, and every bill for freight, express, or other transportation charge or charges shall have legibly written or

printed thereon the name of the person indicating such weight on same; and no person shall collect or attempt to collect in the District of Columbia any bill for freight, express, or other transportation charge or charges unless the same is prepared in accordance with the provisions of this section. The word "bill" as used in this section shall be construed to mean any printed or written or printed and written evidence of charge or charges for freight, express, or other transportation.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the section. The section does not belong in this bill.

Mr. MAPES. Mr. Chairman, in anticipation of this motion being made, I discussed the matter with the superintendent of weights, measures, and markets, who prepared the bill. He recognized the fact that this provision was somewhat foreign to the general purpose of the bill, and he has no objection to its going out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the section.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. MOORE of Virginia. Mr. Chairman, may I ask the gentleman from Michigan to consider further the provisions with reference to potato sacks? I would not wish to embarrass the gentleman with respect to this legislation, even if I were able to do so, but I think this is a time when we ought to consider the producer and facilitate him as much as possible. I doubt whether there is much of the abuse in the District of Columbia referred to by the gentleman; and even if there is some abuse, on the other hand, as has been stated here by those having great practical experience, to retain this provision may hinder the producer in marketing his product here. I think, as a rule, it is rather dangerous for government to act upon mere theory, to act without the development of facts by the people who know best. There was no appearance before the committee of a single man engaged in the business of production. The only person who appeared was the official in the District of Columbia who is immediately connected with this subject, and perhaps, in addition, some of his assistants. They have their views, of course, but it seems to me we ought to know something more in a practical way about this particular provision to which I am alluding before we pass it into legislation. The theorist is all right in his way, but perhaps we would be paying for sugar to-day but 11 cents a pound instead of 20 or 25 cents if somebody had not acted upon the judgment of a theorist, a most excellent gentleman, a man of wide information, but a man whose opinion was accepted without inquiry beyond him.

Mr. MAPES. Mr. Chairman, I will say to the gentleman that I discussed this particular matter with the superintendent of weights, measures, and markets, and he said frankly that in his opinion it was not essential to have the 90-pound sack, as distinguished from the sack of 100 pounds or some other definite weight, but he thought it was necessary in order to properly take care of conditions here in the District to fix some standard of weight for the sale of potatoes that were sold in sacks. I have a statement here that he gave me in which he says:

The provision regarding the weight of a bag of potatoes conforms to the general custom in the District and in Maryland among farmers who bring potatoes to the market here for sale. The bags usually contain 90 pounds, and when one buys a bag of potatoes he expects to get 90 pounds. It is the practice, however, among some unscrupulous dealers, hucksters, to take some potatoes out of each bag of a lot they buy, and in that way increase the number of bags and sell the entire lot for a certain price per bag. The purchaser believes he is getting 90 pounds when, in fact, he gets about 75 or 80 pounds.

I will say to the gentleman from Virginia that we have passed this section, as the gentleman knows, and I think it would be better for him to take the matter up with the superintendent of weights, measures, and markets and perhaps the Senate committee before the bill is finally enacted into law. I dislike to go back to this, inasmuch as we have already passed over it.

Mr. WELLING. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. WELLING. I have just talked with Golden & Co., one of the largest handlers of potatoes in the Washington market, and they say they never have heard and do not now know or recognize any container for potatoes of 90 pounds. It would be an outrage on every shipper who sends potatoes into this market as well as upon the local dealers.

Mr. MAPES. It is hard to reconcile that statement with the statement of the superintendent of weights, measures, and markets that that is the common standard in the District of Columbia.

Mr. MOORE of Virginia. I know we are not entitled, as a matter of right, to return to the section in question, and if the gentleman is disinclined to do that I shall not further urge it.

Mr. MAPES. We have several other bills that we desire to get up this afternoon.

Mr. MOORE of Virginia. I think the gentleman's suggestion is fair. It gives me the opportunity to ascertain the facts and there will be a chance to modify this provision if it turns out that it would work an injustice.

Mr. MANN of Illinois. Mr. Chairman, in my innocence I had supposed that people bought potatoes by the bushel, the half bushel, the peck, the half peck, and that sort of thing, and by the pound. Certainly if people buy potatoes by the bag and the gentleman says that one of the chief handlers of potatoes does not know of 90-pound bags, and the sealer of weights does not know of any other sized bag of potatoes, there is a woe-ful lot of ignorance on the part of some one. No one can tell how much a bag of potatoes contains just by looking at it.

Mr. WELLING. I understand that there is no such sack as will hold 90 pounds. There are sacks that hold 110 pounds or 150 pounds, and they come into this market by the carload, containing 150 pounds in each sack, from all over the North-west.

Mr. MANN of Illinois. Unless the gentleman knows a great deal more about it than I do, he does not know what the size of a potato sack is.

Mr. WELLING. Oh, this is a matter that I know a great deal about.

Mr. MANN of Illinois. I do not undertake to dispute the gentleman.

The CHAIRMAN. The Chair would suggest to the gentleman from Michigan that inasmuch as section 27 was stricken out, there should be a renumbering of the sections following.

Mr. MANN of Illinois. That is the duty of the Clerk in engrossing the bill.

Mr. MAPES. Mr. Chairman, I move that the bill be laid aside temporarily with a favorable recommendation.

The motion was agreed to.

#### BONUS LEGISLATION.

Mr. JOHNSON of Mississippi. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by inserting therein an editorial from the Washington Post.

Mr. CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record by inserting therein an editorial. Is there objection?

Mr. DOWELL. Upon what subject?

Mr. JOHNSON of Mississippi. On the subject of the bonus to ex-service men.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The editorial is as follows:

[From the Washington Post, Sunday, May 23, 1920.]

#### THE BONUS IN POLITICS.

If the Republicans of the House of Representatives were actually moving to impose an additional tax of \$1,276,500,000 on the people at this time for the purpose of giving a bonus to soldiers and sailors, the move could not be ascribed to anything but madness. But as the House Republicans know very well that no such tax will be imposed, their proposal to impose it may be set down for what it really is—a hypocritical and disreputable attempt to hoodwink the soldier boys for purposes of political advantage in the forthcoming campaign.

The House Republicans are trying to make it appear that they favor the imposition of another billion-dollar tax upon the people; that the soldier and sailor boys must have this bonus; that the Democrats are opposing the plan, and the Democratic President is intent upon vetoing the bill, and therefore that the Republican Party is the only friend of the soldiers and sailors. Hence, if the soldiers and sailors have any gratitude they will be expected to vote the Republican ticket from President to dog catcher.

The Republicans of the House would not pass the bonus bill if they knew it would pass the Senate and be approved by the President, for they know that the people would relegate all of them to private life for incompetence in swelling the public debt at a time when the public back is bending under an excessive load. The House Republicans rely upon the Senate and the President to block the bill. Thus these "statesmen" hope to fool the soldiers and sailors and yet avoid the wrath of the taxpayers.

Such is the quality of statesmanship exhibited by the majority of the once great Committee on Ways and Means and seemingly approved by the Republican majority of the House.

No more humiliating spectacle has ever been witnessed in the Capitol than that which will occur this week if a majority of the House shall vote in favor of the bonus bill. The proposal is so offensive to decency when stripped of its hypocrisy that no individual Member of the House would dare to champion it in the presence of self-respecting soldiers and sailors of the recent war. It is an indictment of the good faith of its supporters, and the roll call will be used against them individually by their rivals in their districts. These rivals will not fail to tell the people how their Congressmen voted for an additional tax of \$1,276,500,000. They will fully explain to all soldiers and sailors how the vote was cast in the knowledge that the bill could not pass—that it was, bluntly speaking, a swindle disguised as a bribe, intended to deceive them into voting the Republican ticket. How can any Congressman voting for this bill successfully cope with a rival who thrusts these deadly facts into the campaign?

The Congressmen engineering this fraudulent measure confidently count upon the ignorance of the soldiers and sailors. They seem to regard these young men as too simple to understand the intricacy of the scheme that has been hatched. They expect to convince the fighting men that a Democratic minority in Congress or the Democratic President, as the case may be, blocked the bonus which a grateful



Republican Party was anxious to give them. But the soldiers and sailors will not be misled. The truth will be conveyed to them before the bill is voted down in the Senate or vetoed by the President.

Should the House pass this bill, a storm of protest will arise from the taxpayers. They will speedily rip off all the pretense that now covers the proposal. The Senate debate, if held before the recess, will expose the hypocritical action of the House majority and will place before the two great elements concerned—taxpayers and fighters—the full truth. Thus the Congressmen who vote for the bill will be impaled upon one horn or the other.

In the meantime it behooves the soldiers and sailors to understand clearly what is being attempted in the name of patriotism and gratitude. The protests which are coming in from former soldiers and sailors reveal that many of them detect the unwisdom of imposing extra taxation upon the people for the purpose of giving the fighters a bonus. Everyone knows that a tax is not only collected from the consumer, but is usually made the excuse for an extra charge. The bonus would amount to \$1,276,500,000, which is staggering enough in itself; but by the time the consumers paid the tax it would have grown to \$2,000,000,000 or more. The fighters and their relatives would pay this tax and its profiteering trailer. All patriotic families have liberty bonds, and the value of these bonds would depreciate if they were dumped upon the market, as they would be if taxpayers were squeezed by a bonus bill. Thus the fighters' families would be doubly out of pocket.

But there is no danger of committing the folly of enacting the bonus bill. Congress is about to adjourn. The campaign will be on. Business conditions are changing. Extra taxes must be laid to carry on the Government. The people will know more about the Government than they know now. If the House before adjourning should pass the bonus bill, its action will have become a hissing and a byword before the Senate, next winter, will be called upon to discuss it.

#### WASHINGTON MARKET CO.

Mr. MAPES. Mr. Chairman, I call up the bill (H. R. 9036) to repeal and annul certain parts of the charter and lease granted and made to the Washington Market Co. by act of Congress entitled "An act to incorporate the Washington Market Co.," approved May 20, 1870, and ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN (Mr. WALSH). The gentleman from Michigan calls up the bill H. R. 9036, and asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, I do not wish to delay the passage of this bill in discussing it unnecessarily. The bill was introduced in the last Congress by the gentleman from Kentucky [Mr. JOHNSON] and passed the House of Representatives. It was reintroduced in this Congress and was gone over very thoroughly by the committee, and, as far as I know, no one, not even those interested in the market company, oppose the legislation. On the part of the Government it is purely a business proposition. We have leased property for which the lessor under the existing conditions pays a fraction of 1 per cent per year. This bill proposes to cancel or annul the lease of the Washington Market Co. and take back the property upon paying to the company the value of the buildings and improvements erected thereon by the company, as the charter provided might be done. Unless there are some questions, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

No one shall be appointed on said commission if he be either a Member of Congress or an ex-Member thereof; nor if he be an officer or employee of the United States, nor if he be a stockholder in, or the owner or pledgee of any bond of the market company; nor if he be a creditor or debtor of the said market company or of any officer or stockholder thereof; nor if he be an officer or stockholder of any corporation which is either a creditor or debtor of any officer or stockholder of the market company; nor if he be, directly or indirectly, interested financially in the market company, any of its officers, stockholders or bondholders; nor if he be a tenant, lessee, bailee, or bailor of the market company; nor if he be the owner or pledgee of any bond or of any of the capital stock of the market company; nor if he be an officer, agent, employee, tenant, bailee, or bailor of any firm, copartnership or corporation which is a tenant, bailee, or bailor of the market company, nor if he be attorney for any of the aforesaid.

The committee amendments were read, as follows:

Page 5, line 21, strike out the comma and insert a semicolon.

Page 6, line 10, after the word "company," strike out the comma and insert a semicolon.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

If either party be dissatisfied with the amount of the award, such dissatisfied party may take an appeal to the Court of Appeals of the District of Columbia by noting in the office of the clerk of the court of appeals an appeal therefrom within 30 days after the filing of said award, and perfect the said appeal within 60 days thereafter by filing the entire record, or a copy thereof, certified by the chairman or any two members of said commission, and filing it in the office of the clerk of the Court of Appeals of the District of Columbia, which court is hereby vested with jurisdiction to hear and determine such appeal, and may revise the amount of the award as shall be just; and the judgment rendered by said court shall be final.

The committee amendment was read, as follows:

Page 7, line 21, correct the spelling of the word "dissatisfied."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 8. That if, at any time, the Secretary of Agriculture, or his successor in charge of said reservation, should become satisfied that any lessee of said reservation, or any part thereof, or any person having property stored thereon, is guilty of overcharging, extortion, profiteering, or making any unconscionable bargain or sale he is hereby empowered and directed to cause such person, together with his goods and wares, to be ejected therefrom; and, further, forever afterwads denied the privilege of trading or being employed therein in any capacity whatever. The right or authority of the Secretary of Agriculture, or his successor in control of said reservation, to summarily and forthwith eject therefrom, as aforesaid, and to cancel the lease or contract of storage—either or both—without recourse to any judicial tribunal, of any person so offending is hereby made specific and mandatory. And no contract of lease or for storage shall be made or entered into by the said Secretary, or his successor, without such a provision being incorporated therein and agreed to by the lessee or bailor. If any such offending lessee or bailor be a firm, joint-stock company, copartnership, or corporation, no member of, or stockholder in, any such concern shall be permitted thereafter to trade in said reservation or to store any article of merchandise or commerce therein.

The committee amendments were read as follows:

Page 10, line 4, after the word "copartnership," strike out the comma; and in line 11, after the word "company," strike out the comma.

The question was taken, and the amendments were agreed to.

The Clerk finished the reading of the bill.

Mr. MAPES. Mr. Chairman, I move that the bill be temporarily laid aside with a favorable recommendation.

The motion was agreed to.

#### REDISTRIBUTION OF GENERAL TAXES, ETC.

Mr. MAPES. Mr. Chairman, I call up the bill (H. R. 8535) to provide for a redistribution of general taxes, and so forth.

The CHAIRMAN. The gentleman from Michigan calls up the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8535) to provide for the redistribution of general taxes and special assessment due and payable on real estate in the District of Columbia in cases of subdivision or sales of land therein.

Mr. MAPES. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. Mr. Chairman, I ask that the Clerk read the bill.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

SEC. 3. That whenever application is made in writing to the assessor of the District of Columbia by the owner of any tract of land in said District not subdivided into lots and of record as a subdivision in the office of the surveyor of said District, for the redistribution of any general or special taxes or assessments then due thereon, or whenever such application is made by the owner of any parcel of such tract for such redistribution, any such general or special taxes or assessments due against the entire tract of which such parcel is a part shall be redistributed so that the owner of any such parcel may pay the proportion of such entire taxes or assessments equitably chargeable thereon.

The committee amendment was read, as follows:

Page 3, line 1, after the word "then," insert the words "levied or." Page 3, line 4, after the word "assessments," insert the words "levied or."

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

SEC. 5. That the board of assistant assessors charged with the assessment of real estate in the District of Columbia is hereby authorized and directed to reassess or redistribute any such general or special assessment or tax due and unpaid in accordance with the provisions of laws for the assessment and equalizations of the valuations of real estate in the District of Columbia for taxation, after notice to owners of record of the land to be assessed, with right of appeal within 10 days to the board of equalization and review, as prescribed in section 9 of "An act to provide an immediate revision and equalization of real estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes," approved August 14, 1894; and the assessor of said District is hereby authorized and directed to promptly reassess or redistribute any general or special assessment of any kind due and unpaid, as hereinbefore provided.

The committee amendments were read, as follows:

Page 3, line 20, after the word "tax," insert the words "levied or." Page 4, line 8, after the word "kind," insert the words "levied or."

The question was taken, and the amendments were agreed to.

The Clerk finished the reading of the bill.

Mr. MAPES. Mr. Chairman, I move that the bill be laid aside temporarily with a favorable recommendation.

The question was taken, and the motion was agreed to.

#### WIDENING GEORGIA AVENUE.

Mr. BURDICK. Mr. Chairman, on behalf of the Committee on the District of Columbia, I call up the bill H. R. 10004.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10004) authorizing the widening of Georgia Avenue between Fairmont Street and Gresham Place NW.

Mr. BURDICK. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. GARD. Mr. Chairman, reserving the right to object, what is this bill?

Mr. BURDICK. This bill authorizes the widening of Georgia Avenue and Fairmont Street and Gresham Place about a distance of two blocks in the city of Washington.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURDICK. Mr. Chairman, I would say that this bill was submitted to the Commissioners of the District of Columbia, and it authorizes the widening of Georgia Avenue for a distance of two blocks to conform with the other portions of Georgia Avenue. I would ask the Clerk to read the bill.

The Clerk read as follows:

*Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for widening of Georgia Avenue between Fairmont Street and Gresham Place NW., with a width of not less than 90 feet, in accordance with maps on file in the office of the surveyor of the District of Columbia: Provided, however, That the entire amount found to be due and awarded by the jury in said proceedings as damages, for, and in respect of, the land to be condemned for said widening, plus the costs and expenses of the proceedings hereunder, shall be assessed by the jury as benefits.*

The committee amendment was read as follows:

Page 2, line 8, after the word "benefits," insert the words "against the property which the jury shall find to be benefited."

The question was taken, and the amendment was agreed to. The Clerk finished the reading of the bill.

Mr. BURDICK. Mr. Chairman, I move that the bill be laid aside temporarily with a favorable recommendation.

The motion was agreed to.

#### SALE OF CERTAIN LANDS IN THE DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Chairman, I call up the bill H. R. 11329.

The CHAIRMAN. The gentleman from Michigan calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11329) to provide for the sale by the Commissioners of the District of Columbia of certain land in the District of Columbia acquired for a school site, and for other purposes.

Mr. MAPES. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. GARD. I think the bill should be read, Mr. Chairman.

Mr. MAPES. Then I ask that the Clerk read the bill.

Mr. GARD. What is it—a long bill?

Mr. MAPES. No; only two pages. I will explain it in a minute.

Mr. GARD. If the gentleman will explain it, I will withdraw the request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. Mr. Chairman, as the report accompanying this bill shows, the property involved in this bill was included in a tract purchased in 1869 for a school site, but was never used for that purpose. The entire parcel, except the two small strips involved here, was absorbed when Twentieth and Jackson Streets were opened in the Northeast. There are two small strips between the street and the adjoining property that are still in the possession of the District, and this bill authorizes the sale of those two strips. The owner of the property abutting one of them desires to erect a building on the corner and hesitates to build until the property can be properly developed to the new street line. The Commissioners of the District recommend the enactment of this legislation, and they think it is for the public interest to have it enacted.

Mr. GARD. Will the gentleman yield?

Mr. MAPES. I do.

Mr. GARD. I have not heard what the legislation is expected to accomplish; we do not have the opportunity of knowing what bills are going to be brought up—

Mr. MAPES. It authorizes—

Mr. GARD. Does it give power to purchase anything or authorize the commissioner to sell it?

Mr. MAPES. It authorizes the commissioners to sell those two small strips of land either at public or private sale and to sell at not less than the valuation based upon the assessment.

Mr. GARD. Does it provide for any appraisal of the property before they sell it?

Mr. MAPES. No; except it can not be sold for less than the valuation as fixed by the assessor.

Mr. WOODS of Virginia. Will the gentleman allow me?

Mr. MAPES. Yes.

Mr. WOODS of Virginia. I think it might be helpful if the chairman would state that they are very small strips. He did not give the dimensions. As I recall, they are very small.

Mr. GARD. What is the value of the land?

Mr. MAPES. I really can not answer that question.

Mr. GARD. I mean as assessed.

Mr. MAPES. I can not answer that.

Mr. GARD. It says they are authorized to sell at public or private sale, at a price not less than the true value of the abutting property, based on the assessment.

Mr. MAPES. The gentleman asks a very pertinent question, but I am not able to answer it.

Mr. PARRISH. Will the gentleman from Michigan yield?

Mr. MAPES. I will yield.

Mr. PARRISH. Does that mean on the assessed value? There is no claim that they assess any property above a two-thirds value here. Does it mean that the property shall be sold at not less than two-thirds of the value?

Mr. MAPES. No. It is based upon the assessment. The commissioners explained to the committee that that meant it could not be sold for less than the valuation as found by the assessors. The valuation is based upon the assessed valuation.

Mr. JOHNSON of Kentucky. The gentleman is mistaken in saying that the true value is not ascertained in making the assessment. The true value is ascertained and two-thirds taken off for assessment purposes.

Mr. PARRISH. I did not know whether the assessed value was two-thirds of 100 per cent. Will the gentleman yield for another question?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Texas.

Mr. MAPES. I yield to the gentleman.

Mr. PARRISH. Has the gentleman any information as to how this property is going to be sold—whether it will be sold at public or private sale?

Mr. MAPES. I have no further information than what the bill provides. The bill provides it may be sold at either public or private sale. The committee considered that proposition, but concluded that the strips were so small that it might be left to the discretion of the commissioners to sell it either at public or private sale.

Mr. GARD. Will the gentleman yield for a question?

Mr. MAPES. Yes.

Mr. GARD. This may be a small matter; I do not know; but in this instance it seems to me to be something that the committee ought to consider, for these strips have never been assessed for taxation. There has been no order of appraisal for this sale. The sale price is based upon this language:

At a price not less than the true value of the abutting property based on the assessment.

Does not the gentleman think when we sell property or authorize the sale of it that we should authorize the appraisal of the property where there has been no assessment? My understanding, from what the gentleman has said—the chairman of the committee—is that these are strips of land and unused, I suspect, and therefore have never been assessed for taxation. But unless they are very minor in their value, unless they are of little consequence from a financial standpoint, it would seem to me we are establishing a bad precedent here when we sell property without knowing what it is worth, without appraisal or assessment to indicate what the Government ought to get for it.

Mr. MAPES. They are of small consequence, I will say to the gentleman. I have a chart here showing the strips in question, and they lie between the street and the property of certain adjoining property owners.

Mr. GARD. The gentleman knows, probably, that the men who want these strips are the people who own the abutting property, so as to make their own lots bigger?

Mr. MAPES. They are the only men, I suppose, who will desire to have the strips at all.

Mr. GARD. They are responsible for this legislation from the gentleman's committee, I have no doubt.

Mr. MAPES. I presume they requested the commissioners to recommend the legislation, although I have no information about it.

Mr. GARD. It would be natural to suspect that. But I do think that we are tending to establish a dangerous principle here when we sell property, even a very small amount, if we do not provide the determination of its value by some legally recognized procedure, so that the sale, either public or private, may be based upon an assessed appraised value found.

The CHAIRMAN. The Clerk will read.



The Clerk read as follows:

*Be it enacted, etc.,* That the Commissioners of the District of Columbia be, and they are hereby, authorized to sell at public or private sale, at a price not less than the true value of the abutting property based on the assessment, all that part of the subdivision of Granby acquired by the commissioners of primary schools of Washington County by deed from George H. Baer and wife dated the 25th day of June in the year 1869, excepting that part of said land lying within the lines of Twentieth and Jackson Streets as recorded in book 52, page 174, of the records of the office of the surveyor of the District of Columbia, the land herein authorized to be so conveyed being assessed among the records of the office of the assessor of the District of Columbia as parcel 156 sub sub 38 and parcel 156 sub 39, reserving, however, so much of said land as is in the judgment of said commissioners necessary for alley purposes, the portion of land so reserved not to be included in said sale: *Provided*, That the entire proceeds of such sale by the said Commissioners of the District of Columbia shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. GARD. Mr. Chairman, I move to strike out the last word for the purpose of getting a little information. The bill refers to the commissioners of primary schools of Washington County. What is that?

Mr. JOHNSON of Kentucky. Washington County was all that part of the District of Columbia outside of the old city of Washington and the old city of Georgetown. There were three subdivisions of the District when this property was acquired.

Mr. GARD. Mr. Chairman, I made inquiry of the gentleman who was chairman of the committee, for the purpose of identification for the purpose of value, regarding the subdivision of Granby, and where and what that is, and what was the county of Washington.

Mr. MAPES. This property is out in the northeast section of the city at Twentieth and Jackson Streets. Washington County, as the gentleman knows, is the old municipal designation of that part of the District. I have a chart here which will show the location.

Mr. GARD. Is Granby an existing subdivision in the District of Columbia?

Mr. MAPES. I think not.

Mr. GARD. It still refers to it in this bill by saying:

All that part of the subdivision of Granby.

Mr. MAPES. As the gentleman knows, these old descriptions are often referred to in describing land in conveyances as a means of identification. The square number is also given. It is 156 sub 38 and parcel 156 sub 39.

The CHAIRMAN. The Chair desires to direct the attention of the gentleman from Michigan to line 6, page 2, to inquire if the word "sub" should be there twice before the word "thirty-eight"?

Mr. MAPES. Mr. Chairman, I ask unanimous consent that one of those be eliminated.

The CHAIRMAN. The gentleman from Michigan moves to amend by striking out the word "sub" where it first appears in line 6, page 2. Without objection, it is so ordered.

There was no objection.

Mr. MAPES. Mr. Chairman, I move that the committee do now rise and report to the House the several bills that have been temporarily laid aside, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Did the gentleman move to lay aside the last bill with the necessary recommendation?

Mr. MAPES. If that is necessary, I will make that motion first.

The CHAIRMAN. The gentleman from Michigan moves that the bill H. R. 11329 as amended be laid aside with favorable recommendation. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. It is moved that the committee do now rise and report the several bills favorably to the House, with the recommendation that the amendments be agreed to and that the bills as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bills H. R. 8067, H. R. 9036, H. R. 8535, H. R. 10004, and H. R. 11329, respectively, all with amendments, had directed him to report the same back to the House with the recommendation that the amendments be agreed to and that the several bills as amended do pass.

The SPEAKER. The Clerk will report the first one.

#### STANDARD WEIGHTS AND MEASURES.

The Clerk read as follows:

A bill (H. R. 8067) to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

#### WASHINGTON MARKET CO.

The Clerk read as follows:

A bill (H. R. 9036) to repeal and annul certain parts of the charter and lease granted and made to the Washington Market Co. by act of Congress entitled "An act to incorporate the Washington Market Co.," approved May 20, 1870.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

#### GENERAL TAXES AND SPECIAL ASSESSMENTS.

The Clerk read as follows:

A bill (H. R. 8535) to provide for the redistribution of general taxes and special assessments due and payable on real estate in the District of Columbia in cases of subdivision or sales of lands therein.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

#### WIDENING OF GEORGIA AVENUE.

The Clerk read as follows:

A bill (H. R. 10004) to authorize the widening of Georgia Avenue between Fairmont Street and Gresham Place NW.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

#### SALE OF LAND ACQUIRED FOR A SCHOOL SITE.

The Clerk read as follows:

A bill (H. R. 11329) to provide for the sale by the Commissioners of the District of Columbia of certain land in the District of Columbia acquired for a school site, and for other purposes.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MAPES, a motion to reconsider the votes whereby the several bills were passed was laid on the table.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill and joint resolution:

H. J. Res. 327. Joint resolution repealing the joint resolution of April 6, 1917, declaring that a state of war exists between the United States and Germany, and the joint resolution of December 7, 1917, declaring that a state of war exists between the United States and the Austro-Hungarian Government; and

H. R. 12626. An act for the relief of certain persons to whom, or their predecessors, patents were issued to public lands along the Snake River in the State of Idaho under an erroneous survey made in 1883.

#### MANDATE FOR ARMENIA.

The SPEAKER laid before the House the following message from the President, which was referred to the Committee on Foreign Affairs and ordered to be printed:

GENTLEMEN OF THE CONGRESS:

On the fourteenth of May an official communication was received at the Executive Office from the Secretary of the Senate of the United States conveying the following preambles and resolutions:

"Whereas the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered; and

"Whereas the people of the United States are deeply impressed by the deplorable conditions of insecurity, starvation, and misery now prevalent in Armenia; and

"Whereas the independence of the Republic of Armenia has been duly recognized by the Supreme Council of the Peace Conference and by the Government of the United States of America: Therefore be it

"Resolved, That the sincere congratulations of the Senate of the United States are hereby extended to the people of Armenia on the recognition of the independence of the Republic of Armenia, without prejudice respecting the territorial boundaries involved; and be it further

"Resolved, That the Senate of the United States hereby expresses the hope that stable government, proper protection of individual liberties and rights, and the full realization of nationalistic aspirations may soon be attained by the Armenian people; and be it further

"Resolved, That in order to afford necessary protection for the lives and property of citizens of the United States at the port of Batum and along the line of the railroad leading to Baku, the President is hereby requested, if not incompatible with the public interest, to cause a United States warship and a force of marines to be dispatched to such port with instructions to such marines to disembark and to protect American lives and property."

I received and read this document with great interest and with genuine gratification, not only because it embodied my own convictions and feelings with regard to Armenia and its people, but also, and more particularly, because it seemed to me the voice of the American people expressing their genuine convictions and deep Christian sympathies, and intimating the line of duty which seemed to them to lie clearly before us.

I cannot but regard it as providential, and not as a mere casual coincidence that almost at the same time I received information that the conference of statesmen now sitting at San Remo for the purpose of working out the details of peace with the Central Powers which it was not feasible to work out in the conference at Paris, had formally resolved to address a definite appeal to this Government to accept a mandate for Armenia. They were at pains to add that they did this, "not from the smallest desire to evade any obligations which they might be expected to undertake, but because the responsibilities which they are already obliged to bear in connection with the disposition of the former Ottoman Empire will strain their capacities to the uttermost, and because they believe that the appearance on the scene of a power emancipated from the prepossessions of the Old World will inspire a wider confidence and afford a firmer guarantee for stability in the future than would the selection of any European power."

Early in the conferences at Paris it was agreed that to those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which

formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world there should be applied the principle that the well being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be afforded.

It was recognized that certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone.

It is in pursuance of this principle and with a desire of affording Armenia such advice and assistance that the statesmen conferring at San Remo have formally requested this Government to assume the duties of mandatory in Armenia. I may add, for the information of the Congress, that at the same sitting it was resolved to request the President of the United States to undertake to arbitrate the difficult question of the boundary between Turkey and Armenia in the Vilayets of Erzerum, Trebizond, Van, and Bitlis, and it was agreed to accept his decision thereupon, as well as any stipulation he may prescribe as to access to the sea for the independent State of Armenia. In pursuance of this action, it was resolved to embody in the treaty with Turkey, now under final consideration, a provision that "Turkey and Armenia and the other high contracting parties agree to refer to the arbitration of the President of the United States of America the question of the boundary between Turkey and Armenia in the Vilayets of Erzerum, Trebizond, Van and Bitlis, and to accept his decision thereupon as well as any stipulation he may prescribe as to access to the sea for the independent State of Armenia"; pending that decision the boundaries of Turkey and Armenia to remain as at present. I have thought it my duty to accept this difficult and delicate task.

In response to the invitation of the council at San Remo, I urgently advise and request that the Congress grant the Executive power to accept for the United States a mandate over Armenia. I make this suggestion in the earnest belief that it will be the wish of the people of the United States that this should be done. The sympathy with Armenia has proceeded from no single portion of our people, but has come with extraordinary spontaneity and sincerity from the whole of the great body of Christian men and women in this country by whose free-will offerings Armenia has practically been saved at the most critical juncture of its existence. At their hearts this great and generous people have made the cause of Armenia their own. It is to this people and to their Government that the hopes and earnest expectations of the struggling people of Armenia turn as they now emerge from a period of indescribable suffering and peril, and I hope that the Congress will think it wise to meet this hope and expectation with the utmost liberality. I know from unmistakable evidences given by responsible representatives of many peoples struggling towards independence and peaceful life again that the Government of the United States is looked to with extraordinary trust and confidence, and I believe that it would do nothing less than arrest the hopeful processes of civilization if we were to refuse the request to become the helpful friends and advisers of such of these people as we may be authoritatively and formally requested to guide and assist.

I am conscious that I am urging upon the Congress a very critical choice, but I make the suggestion in the confidence that I am speaking in the spirit and in accordance with the wishes of the greatest of the Christian peoples. The sympathy for Armenia among our people has sprung from untainted consciences, pure Christian faith, and an earnest desire to see Christian people everywhere succored in their time of suffering, and lifted from their abject subjection and distress and enabled to stand upon their feet and take their place among the free nations of the world. Our recognition of the independence of Armenia will mean genuine liberty and assured happiness for her people, if we fearlessly undertake the duties of guidance and assistance involved in the functions of a mandatory. It is, therefore, with the most earnest hopefulness and with the feeling that I am giving advice from which the Congress will not willingly turn away that I urge the acceptance of the invitation now formally and solemnly extended to us by the council at San Remo, into whose hands has passed the difficult task of composing the many complexities and difficulties of government in the one-time Ottoman Empire and the maintenance of order and tolerable conditions of life in those portions of that Empire which it is no longer possible in the interest of civilization to leave under the government of the Turkish authorities themselves.

WOODROW WILSON.

THE WHITE HOUSE,  
24 May, 1920.



## ROOSEVELT MEMORIAL.

Mr. WALTERS. Mr. Speaker, on behalf of the Committee on the District of Columbia, I call up H. R. 12908 and ask to discharge the Committee on the District of Columbia from further consideration of S. 4163, and that it be substituted for H. R. 12908.

The SPEAKER. The gentleman from Pennsylvania calls up from the District of Columbia Committee H. R. 12908 and asks unanimous consent to discharge the Committee on the District of Columbia from further consideration of S. 4163, and that the same be substituted for the House bill.

Mr. MANN of Illinois. That it be considered in lieu of the House bill?

The SPEAKER. Yes. Is there objection.

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill (S. 4163) to incorporate the Roosevelt Memorial Association was read, as follows:

*Be it enacted, etc.,* That Lawrence F. Abbott, Lyman Abbott, Carl E. Akeley, Earl Akers, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, Jacob L. Babler, Charles S. Barrett, John Barrett, E. C. Bartlett, R. Livingston Beekman, Albert J. Beveridge, William C. Bobbs, Charles J. Bonaparte, Evangeline Booth, Desha Breckinridge, Henri Brown, J. A. A. Burnquist, John Burroughs, Marion LeRoy Burton, Kenyon L. Butterfield, William P. Bynum, Thomas E. Campbell, Robert D. Carey, Irving A. Caswell, Thomas L. Chadbourne, Robert R. Church, Jr., Ernest F. Cochran, William W. Cocks, Henry Waldo Coe, Russell J. Coles, Austen Colgate, Frederick L. Collins, E. C. Converse, Willis C. Cook, George B. Cortelyou, O. W. Coursey, William H. Cowles, John S. Cravens, Thomas J. Crittenden, H. P. Cross, Walter Damrosch, S. C. Dell, Cleveland H. Dodge, T. Coleman du Pont, Milton H. Esberg, Albert B. Fall, Sylvanus M. Ferris, Simeon D. Fess, John H. Finley, William S. Fleming, Charles W. Folds, Rufus E. Foster, Lyman J. Gage, Thomas Frank Gailor, James A. Gillivan, Halbert P. Gardner, James R. Garfield, Arthur L. Garford, Nelson H. Gay, James W. Gerard, James Gibbons, Mary A. Gibson, Will H. Gibson, William Ball Gilbert, William A. Glasgow, Jr., Martin H. Glynn, George W. Goethals, Frank R. Gooding, James P. Goodrich, Theodore F. Green, John C. Greenway, Lloyd C. Griscom, Frank W. Gunsaulus, Hermann Hagedorn, Grant P. Hall, Edward J. Hanna, Ole Hanson, Chester Harding, Judson Harmon, B. F. Harris, Albert Bushnell Hart, George Harvey, James H. Hawley, Will H. Hays, George C. Hazlett, A. T. Hert, Frederick C. Hicks, Frank J. Hogan, Elton H. Hooker, O. K. Houck, Clark Howell, R. B. Howell, William Dean Howells, Charles E. Hughes, Arthur M. Hyde, Harold L. Ickes, William P. Jackson, Alfred J. Johnson, Hiram W. Johnson, Lewis Y. Johnson, Otto H. Kahn, Frank B. Kellogg, George N. Keniston, William S. Kenyon, Henry W. Kiel, John T. King, Paul H. King, Earle S. Kinsley, Irwin R. Kirkwood, Frank Knox, Philander C. Knox, Florence Bayard La Farge, Alexander Lambert, Franklin K. Lane, Albert D. Lasker, John N. Lightbourn, Curtis H. Lindley, Henry D. Lindsley, Colin H. Livingstone, Henry Cabot Lodge, William Loeb, Jr., Pierre Lorillard, Jr., S. H. Love, Frank O. Lowden, A. Lawrence Lowell, Anna Maud Lyon, William McAdoo, C. N. McArthur, Charles Wylie McClure, J. M. McCormick, Ruth Hanna McCormick, Henry B. McCoy, W. N. McGill, James J. McGraw, Gavin McNab, C. H. McNider, Henry F. MacGregor, Norman E. Mack, Clarence H. Mackay, William T. Manning, T. Frank Manville, Thomas A. Marlow, Victor H. Metcalf, Herman A. Metz, Charles R. Miller, C. P. J. Mooney, J. H. Morrison, Dwight W. Morrow, Robert R. Moton, Guy Murchie, Michael J. Murray, Truman H. Newberry, Samuel D. Nicholson, Lewis Nixon, John I. Nolan, Peter Norbeck, Alton B. Parker, John M. Parker, Thomas Patterson, F. E. Peabody, George Wharton Pepper, Leroy Percy, George W. Perkins, Gifford Pinchot, Samuel Platt, Miles Poin-dexter, Jeter C. Pritchard, Mason E. Prosser, William H. Putnam, R. Lansing Ray, C. F. Reavis, Elisabeth Mills Reid, H. L. Remmel, Rush Rhees, Raymond Robins, Prescott W. Robinson, Elihu Root, John C. Rose, Julius Rosenwald, Erskine M. Ross, John A. Sargent, Charles Scribner, Mary Frances Severance, William W. Sewall, John C. Shaffer, Leslie M. Shaw, Louis P. Sheldon, Harry F. Sinclair, Thomas F. Smith, M. P. Snyder, William C. Sproul, William Spry, Frank C. Steinhart, William D. Stephens, Percy S. Stephenson, Philip B. Stewart, Henry L. Stimson, Marshall Stimson, Warren S. Stone, Oscar S. Strauss, Mark Sullivan, Patrick Sullivan, J. T. Swift, William Howard Taft, Joseph O. Thompson, William Boyce Thompson, John W. Towle, Wallace Townsend, William J. Tully, George Turner, R. E. Twitchell, Grace Vanderbilt, George H. Vincent, Harriet E. Vittum, Aug. H. Vogel, Henry C. Wallace, Zeb V. Waiser, T. H. Wannamaker, David Wardell, Charles B. Warren, Henry Watterson, Benjamin Ide Wheeler, Henry J. Whigham, Wallace H. White, Jr., Albert H. Wiggin, James Wilson, Leonard Wood, Luke E. Wright, William Wrigley, Jr., and Robert J. Wynne, their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

Sec. 2. That the name of this corporation shall be Roosevelt Memorial Association, and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for its corporate purposes, and to receive real and personal property by gift, devise, or bequest; to give and dedicate such property to public agencies and purposes; to adopt a seal and the same to alter at pleasure; to hold its corporate meetings within or without the District of Columbia, as the board of trustees of the corporation shall determine; to have offices and conduct its business affairs within or without the District of Columbia, and in the several States, Territories, and possessions of the United States; to make and adopt a constitution, by-laws, rules, and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things as may be necessary to carry into effect the provisions of this act and promote the purposes of said corporation.

Sec. 3. That the purpose of this corporation shall be to perpetuate the memory of Theodore Roosevelt for the benefit of the people of the United States of America and of the world, and to that end, but without restriction to the objects enumerated below, to solicit, receive, hold, and maintain a fund or funds, and to apply the principal thereof and income therefrom to any one or more of the following objects:

(1) The erection and maintenance of a suitable and adequate monumental memorial in the city of Washington, D. C., to the memory of Theodore Roosevelt;

(2) The acquisition, development, and maintenance of a public park in memory of Theodore Roosevelt in the town of Oyster Bay, N. Y.; and

(3) The establishment and maintenance of an endowment fund to promote the development and application of the policies and ideals of Theodore Roosevelt for the benefit of the American people.

Sec. 4. That the property and affairs of the corporation shall be managed and directed by a self-perpetuating board of trustees. The following-named persons shall constitute the first board of trustees: Lawrence Abbott, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, R. Livingston Beekman, Austen Colgate, E. C. Converse, John S. Cravens, T. Coleman du Pont, John H. Finley, James R. Garfield, Mrs. Frank A. Gibson, James P. Goodrich, Lloyd C. Griscom, Hermann Hagedorn, Judson Harmon, George Harvey, Charles E. Hughes, A. T. Hert, Frederick C. Hicks, Elton H. Hooker, Charles E. Hogan, Hiram W. Johnson, Otto H. Kahn, Frank B. Kellogg, Irwin R. Kirkwood, Mrs. C. Grant La Farge, Franklin K. Lane, Henry D. Lindsley, Henry Cabot Lodge, William Loeb, Jr., Mrs. Medill McCormick, James J. McGraw, Clarence H. Mackay, Dwight W. Morrow, George W. Perkins, Gifford Pinchot, Mrs. Whitelaw Reid, Raymond Robins, Elihu Root, Julius Rosenwald, Mrs. C. A. Severance, Harry F. Sinclair, Philip B. Stewart, Henry L. Stimson, Warren S. Stone, Oscar S. Strauss, Mark Sullivan, William Boyce Thompson, Henry C. Wallace, Albert H. Wiggin, Luke E. Wright, William Wrigley, Jr., and Leonard Wood.

The board of trustees shall have the power to adopt from time to time a constitution, by-laws, rules, and regulations for the selection of their successors, for the admission to membership in the corporation, for the election of officers of the corporation, and in general for the conduct of the affairs of the corporation, and may alter, amend, or repeal the same.

Sec. 5. That said corporation will have no power to issue certificates of stock or to declare or pay dividends, but it is organized and shall be operated exclusively for educational purposes, and no part of its earnings, income, or funds will inure to the benefit of any member or individual.

Sec. 6. That Congress shall have the right to repeal, alter, or amend this act at any time.

Mr. WALTERS. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. WALSH] five minutes.

Mr. WALSH. Will the gentleman state in reference to subsection (3) on page 5 what is intended to be covered by that?

Mr. WALTERS. If the gentleman will permit, I will yield to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Speaker, if the gentleman from Massachusetts will allow me to make a little statement, I think I can clear up that point and some others.

I think the purpose of the bill is self-evident. It is to incorporate an association to perpetuate the memory of the late Theodore Roosevelt, and it has in the main three general purposes. One is to erect here in Washington a great monumental building, in which will be relics and exhibits of the life of Roosevelt. The second is to have a building or a park at his home town in Oyster Bay, where there will also be preserved relics of the late President; then, third, to have an institution which shall teach the ideals and policies for which Roosevelt stood, so that all the people of the country may have the benefit of the sterling Americanism for which Roosevelt was known not only in this country but throughout the earth. [Applause.] To properly perform this work the association will ask for funds and donations of personal articles to carry forward these three projects. There is no profit to be derived from the undertaking. By the express provisions of the act no dividends can be declared. The only money that will be expended will be expended in obtaining the fund, erecting the buildings, and in meeting such expenses as are incident to these monuments and to this institution, which will keep alive the policies and ideals with which the name of Roosevelt is forever linked in grateful, patriotic reverence. [Applause.]

This association is not incorporated for financial profit nor for the aggrandizement of those connected with it. The American people will be the beneficiaries and the glory of perpetuating the name of Roosevelt will belong to every citizen of our Republic. The purpose of the association can best be expressed in Roosevelt's own words:

I speak of the men of the past partly that they may be honored by our praise of them, but more that they may serve as examples for the future.

[Applause.]

Mr. WALSH. I wish the gentleman would give me some information with respect to subparagraph (3) of section 3.

Mr. HICKS. It states the purpose of it. It is to receive funds and hold objects of interest, relics and things of that kind, in perpetuity for the benefit and profit and interest of the people of the United States.

Mr. WALSH. It says:

To promote the development and application of the policies and ideals of Theodore Roosevelt for the benefit of the American people.

Mr. HICKS. Their idea is to have publications issued, lectures given, and so forth, so that people who read may know the things Roosevelt stood for, breathing Americanism and patriotism to his country.

Mr. WALSH. Does that mean the simple life, the big stick, and similar ideals?

Mr. HICKS. I do not know that the absolute details of every word that this institution will utter have been formulated, but in general and in large it means that the great principles which my friend from Massachusetts knows about and appreciates, and for which President Roosevelt stood, shall not die, but shall go on to future generations, teaching the sterling Americanism which my friend from Massachusetts has also always stood for.

Mr. WALSH. Oh, yes; we all understand about the sterling Americanism; but I want to know about these policies and ideals. Of course, the great President stood for political principles as well. Is there anything of that sort to be included?

Mr. HICKS. There is no idea at all to make this Federal institution a great political power in the sense of partisan politics. The only thing contemplated is to make it a broad-gauged institution which will embrace the very best of all political principles, whether it be Democratic or Republican or Progressive principles, so long as it is American.

Mr. WALSH. The purposes of this subsection (3) are to be attained through the establishment of an educational institution—is that the idea?

Mr. HICKS. That is correct, in a general way.

Mr. WALSH. Where is it intended that this educational institution is to be located?

Mr. HICKS. I do not think that has been determined upon. The other two objects are stated—one a monument in Washington and one in Oyster Bay. As far as the educational institution is concerned, I do not think that has yet been determined upon.

Mr. WALSH. Does the gentleman think the language of subsection (3) will permit the maintenance of an educational institution?

Mr. HICKS. I should imagine it would in the sense in which I have used the term, because the men who drew it probably had that in mind and were confident of what they were doing before they drew the provision. I may say that this bill has already passed the Senate. It was drawn by able men, and I presume will cover the points that they desired to have covered.

Mr. WALSH. Of course, the House bill was drawn by a Member of the House.

Mr. WALTERS. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. Mr. Speaker, it has been customary in bills of this kind to insert a limitation of the amount which the corporation might raise and the value of the property which it might own. I notice that there is no such limitation in this bill. Was that left out advisedly or by inadvertence?

Mr. HICKS. That was left out advisedly, because they are unable to tell, until they get this thing under way, the amount that they will need for these purposes, and therefore they did not limit the amount to be raised.

Mr. MANN of Illinois. Subsection (3) of section 3, which has already been referred to, provides for a fund to promote the development and application of the policies, and so forth, of Theodore Roosevelt. I take it that that would authorize this corporation to engage upon a political propaganda. Does the gentleman know whether that is the thought of any of the promoters of the corporation?

Mr. HICKS. I will say that I can not speak for the other incorporators; but speaking for myself, who happens to be among the number, I can say that nothing is further from my mind than that this association shall be used in promoting partisan politics.

Mr. MANN of Illinois. Of course, the gentleman from New York and everyone else can readily see the danger of granting a corporation the right to raise money and expend it in supporting candidates or certain policies in a political campaign. It is bad enough as we have campaigns now, but if we start to create corporations without any limit on the amount they may raise to conduct campaigns, I do not know how much worse it might be.

Mr. HICKS. I can say to my friend from Illinois that I do not think it is contemplated for a moment that this association will be used in the sense to which he has just referred.

Mr. GARD. Will the gentleman yield?

Mr. WALTERS. I will yield to the gentleman.

Mr. GARD. What I want to call the attention of the gentleman to in this bill is that it is provided, on page 4, lines 22 and 23, that this corporation may have offices and conduct its business affairs within or without the District of Columbia and in the several States, Territories, and possessions in the United States.

It is always customary in legislation of this kind to require that the corporation have an office in the place where the cor-

poration is created. Here it provides that they may have offices within or without the District of Columbia and in the several States, Territories, and possessions of the United States. I call attention to this because of the inaccuracy of the legal proceedings, and especially to call attention to the fact that there is a bill drafted for a Federal incorporation which comes from a committee which has the management of the affairs of the District of Columbia. There can not be the slightest excuse for the assumption of jurisdiction by this committee except the acquiescence of the committee which really has jurisdiction. This does not belong to the Committee on the District of Columbia.

Mr. MAPES. Will the gentleman yield?

Mr. GARD. I will.

Mr. MAPES. There is some conflict in precedents as to whether the Committee on the District of Columbia or the Committee on the Judiciary has jurisdiction of bills of this kind. Several bills incorporating corporations similar to this have been reported by the Committee on the District of Columbia in former Congresses.

Mr. GARD. I know there has been some conflict in jurisdiction, but the consensus of opinion must be that these laws creating a legal entity, creating corporations, belong to the Committee on the Judiciary and do not belong to the Committee on the District of Columbia.

To illustrate what is done by a committee of this kind: Here we have a bill brought in which permits the incorporation in the District of Columbia and does not even require an office or a representative of the corporation in the district where it is created. It would seem to me that even in the ordinary construction of corporations certainly you would have to have an office of the corporation in the place where the corporation was created. In this case they can have an office in the District of Columbia or out of the District. You could have it in Hawaii if you wanted to, or any outlying possession of the United States. I think everyone would be in accord with the provisions of the bill. The bill has for its purpose a great and noble idea, but being crowded into the committee it is not given the consideration which it should have, and now it comes with certain amendments, made by the Senate, I suspect; but, at any rate, the bill is not given the right kind of consideration. While I am not finding fault at all as to the means by which the bill got there it does seem to me that it should have gone to the committee which would have given it the consideration which a legal corporation should have.

I want to call the attention of the chairman to this matter and ask him whether it is intended to remedy this omission.

Mr. MOORE of Virginia. If the gentleman will yield, I submit that it is quite customary to create a corporation without providing that it shall maintain an office in the place of its creation. Very frequently a corporation is established with a provision that an agent shall be maintained within the jurisdiction where the charter is granted, but frequently it is allowed to have its office wherever it pleases, no requirement being made that it shall be kept in any particular place, and even no requirement that an agent shall be maintained anywhere.

Mr. CHINDBLOM. Is not there always a provision for the service of process?

Mr. MOORE of Virginia. Not a specific provision. That is a matter that falls under general statutes. It is altogether within the discretion of Congress whether anything shall be stipulated about the location and maintenance of an office or the maintenance of an agent.

Mr. GARD. I have no fault to find with what the gentleman says. It is entirely within the power of Congress to determine what are the essential elements of incorporation, and it should, to my mind, provide for an office or place of business in the place where that corporation was created. Second, you should have some representative of the corporation in the place of its creation; and third, you should provide some means for the service of process against the corporation, none of which provisions are in this bill.

Mr. MANN of Illinois. The gentleman from Ohio knows that the law now provides how process shall be served on this corporation or any other corporation.

Mr. GARD. The gentleman means corporations generally.

Mr. MANN of Illinois. The general law would cover this. The law provides for the service on corporations. It is not in the law that authorizes the creation of the corporation at all. That is not where it belongs.

Mr. GARD. The gentleman understands that the general law of service on corporations would apply. I was referring to the fact that there is no reference to that in this bill, either of that or any other essentials.



Mr. MANN of Illinois. We ought not to deceive ourselves. It has been the policy of Congress for years not to create a Federal corporation except corporations in the District of Columbia. Sometimes that has been varied.

We provide in the District of Columbia for incorporation here under the general law, and this association could be incorporated in the District of Columbia except for the fact that the incorporation law here requires one-half of the incorporators to be residents of the District. This could be incorporated exactly as they propose the provisions now if one-half of the incorporators were residents of the District.

Mr. GARD. The gentleman appreciates why they want an incorporation in the District of Columbia, or why they want this incorporation. It is because it carries with it the prestige of having been incorporated by the Congress of the United States.

Mr. MANN of Illinois. I assume that is the case. That is the case with all of these incorporations that we grant.

Mr. GARD. Surely.

Mr. WALTERS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WALTERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN of Illinois. Mr. Speaker, I suggest that the House bill of similar title be laid on the table.

The SPEAKER. Without objection the House bill will lie on the table.

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that on May 22 they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 14100. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes;

H. R. 13666. An act granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River in section 18, township 12 north, range 21 east, in the State of Oklahoma;

H. R. 13665. An act granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River between sections 16 and 21, township 15 north, range 19 east, in the State of Oklahoma;

H. R. 12044. An act to accept the cession by the State of California of exclusive jurisdiction of the lands embraced within the Yosemite National Park, Sequoia National Park, and General Grant National Park, respectively, and for other purposes;

H. R. 10072. An act to provide for the punishment of officers of United States courts wrongfully converting moneys coming into their possession, and for other purposes;

H. R. 7629. An act to amend the penal laws of the United States;

H. R. 5163. An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes; and

H. J. Res. 351. Joint resolution extending the provisions of an act amending section 32 of the Federal farm-loan act approved July 17, 1916, to June 30, 1921.

LIABILITY OF HOTEL PROPRIETORS IN THE DISTRICT OF COLUMBIA.

Mr. BURDICK. Mr. Speaker, I call up the bill (H. R. 12887) establishing the liability of hotel proprietors and innkeepers in the District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That whenever the proprietor of any hotel or inn in the District of Columbia shall provide in such hotel or inn a suitable safe or vault for the safekeeping of any money, jewelry, or other articles of value, other than wearing apparel, belonging to or in the custody of guests, and shall notify the guests thereof by keeping conspicuously posted in the office and on the inside of the entrance door of the sleeping rooms of said hotel or inn a notice printed in distinct English type, such proprietor shall not be liable for the loss of or injury to any such property by theft or otherwise sustained by any guest unless such guest has offered to deliver the same to such proprietor for custody in such safe or vault and such proprietor has omitted or refused to receive it and deposit it in such safe or vault and to give such guest a receipt therefor: *Provided*, That in no case shall such proprietor be liable for the loss or injury to property so deposited in an amount exceeding the sum of \$500, except by special contract in writing, stating the kind and value of property received, the kind and extent of the liability of said proprietor, and the reasonable consider-

ation to be paid for such safekeeping, not in excess of the customary insurance charge or premium, and which said contract shall be signed by said guest and said proprietor or his clerk: *Provided further*, That nothing herein contained shall apply to such an amount of money and such jewelry or other articles of value as is usual, common, or prudent for guests to retain in their rooms.

SEC. 2. That whenever the proprietor of any hotel or inn shall keep posted in a conspicuous manner on the inside of the entrance door to the sleeping rooms of said hotel or inn a notice printed in distinct English type requiring the guests occupying said rooms to lock or bolt the door of said room and upon leaving said rooms to lock the door and deposit the key at the office, the proprietor shall not be liable for any baggage stolen from said room if it shall appear that said room was left by the guest unlocked or unbolted, or that the key was not so deposited at the office at the time of the loss of said baggage, unless the loss is directly or indirectly caused by or attributable to the proprietor or his employee or employees.

Mr. BURDICK. Mr. Speaker, this bill is the committee's substitute for a bill introduced by the gentleman from Massachusetts [Mr. TREADWAY], and it seeks to limit the liability of hotel proprietors within the District of Columbia. In substance, it follows the law that is in force in about every other State in the Union, with possibly six exceptions. The committee had a hearing upon the bill and the bill was indorsed by all of the hotel proprietors within the District. The reasons urged by the proponents of the bill appealed very strongly to the committee. The bill limits the common-law liability in just two respects. First, it provides that if the proprietor of a hotel shall provide a safe or vault for safe-keeping of money or valuables and shall give notice to his guests that such is the fact, he shall not be liable for loss of such money or valuables if they are not deposited in the safe. In other words, when he takes them into his possession he becomes liable, but if the guest does not see fit to take advantage of the offer that he had made to care for them and the guest leaves them in his room, the proprietor is not responsible if they are stolen.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. GARD. I do not desire to interrupt the gentleman's statement. I have been reading with much interest the two provisos. Is it intended in the first proviso on page 2 to limit the liability of the innkeeper in any event to the sum of \$500 unless a special contract is signed?

Mr. BURDICK. Yes; that is what we find is the law in most of the States.

Mr. GARD. In other words, if a man had property valued at \$1,000 and goes into a hotel late at night and wants to put that property in a supposedly burglar-proof safe, and he does put it in the safe, in the event it is lost in any way the hotel keeper is responsible for only \$500, unless the guest can wake up the hotel keeper and get him to sign a contract to pay him the full thousand dollars in case of loss. Is that right?

Mr. BURDICK. It is right in part; yes. The limitation is \$500 unless there is an agreement with the hotel proprietor or his clerk.

Mr. GARD. In this particular it says that the limitation is \$500 except where a special contract is signed.

Mr. BURDICK. Yes.

Mr. GARD. It would impose upon anyone having any amount of money in his possession—assuming that some people have more than \$500 at one time, which is a violent assumption on my part—who goes to a hotel and who wants to put it in the hotel safe, to wake up the hotel proprietor and get him to sign a special contract, if he went there late at night, if he wanted to be sure of getting the \$1,000 back in case it was lost.

Mr. BURDICK. He would have to offer it for deposit either to the proprietor or his clerk.

Mr. GARD. He would have to offer it for deposit and have a special contract in writing.

Mr. BURDICK. That is correct.

Mr. GARD. This seems to be a very ingenious insertion by some hotel proprietor.

Mr. BLANTON. Mr. Speaker, right there, does not the gentleman from Ohio [Mr. GARD] think it is a reasonable provision for a man who seeks to have a hotel proprietor take charge of more than \$500 and safely keep it and be responsible for its loss, to pay a reasonable insurance charge? I think that is very reasonable.

Mr. GARD. Oh, yes; that would give some of these Washington hotel keepers an insurance business.

Mr. BLANTON. I do not think many guests in Washington hotels will have more than \$500—

Mr. GARD. Not when they go out. [Laughter.]

Mr. BURDICK. Cases were illustrated before us where guests had \$10,000 worth of jewelry in their rooms, in trunks unlocked.

Mr. GARD. Of course, that would be a great risk. Is it the intention of this bill to limit the liability to \$500 in any event, unless there be a special contract in writing?

Mr. BURDICK. Yes; that is with respect to money and jewelry, but not for wearing apparel. It is for articles of value other than wearing apparel.

Mr. TREADWAY. Mr. Speaker, will the gentleman from Rhode Island permit me to explain to the gentleman from Ohio?

Mr. BURDICK. Certainly; I yield to the gentleman from Massachusetts.

Mr. TREADWAY. Mr. Speaker, there has come about everywhere in hotels a very great abuse of the privilege secured by guests other than the providing of room and board. This very feature is intended to cover that point in connection with valuables. As a guest at a hotel, you pay for your room, meals, and service. There are many other things that have gradually crept into the dealings between a hotel and guest furnished without charge. One is that hotels are to-day expected to provide safe-deposit boxes and become responsible either for large sums of money, securities, or jewelry.

I could call the attention of the gentleman to a case in New York a few months ago where very valuable jewelry was stolen from the hotel vault—afterwards recovered—but which had been left there by the owner, not a guest of the hotel at the time of the loss. The hotel was obliged to offer a reward of \$10,000 to endeavor to secure the return of that jewelry. This item to which the gentleman refers in this bill is intended simply to protect the hotel to the extent when the guest asks the hotel to assume an undue liability. If the gentleman will read the first paragraph he will see there is no limit to the clothing and the actual traveling and wearing apparel which the guest at a hotel can have.

Mr. GARD. A man in a hotel would not have very much of that. The gentleman, I know, is the proprietor of a magnificent hotel and, of course, conversant with all the needs of hotels and the relations with their guests, and their business relations as well; but it seems to me that this is entirely new, to write in that the hotel having a safe-deposit vault or burglar-proof safe, and that there is no liability unless the guest deposits the valuables in that safe, and then we can limit the liability, except for clothing and traveling essentials, which, of course, do not amount to a great deal to the average person, to \$500 of money and expensive jewelry unless the man can get a special contract with the hotel keeper that he will take these valuables and be accountable for more than \$500.

Mr. BURDICK. I will say to the gentleman from Ohio, in Arkansas there is a provision for \$300, in California for \$250, in Louisiana for \$100, and in Ohio for \$500.

Mr. GARD. Well, I know these provisions relate to the general liability of the innkeeper, but there is no provision about a special contract.

Mr. BURDICK. Yes; there is a special contract in those cases to which I have called attention under existing law, and I believe I have 25 States that have this provision with reference to a special contract.

Mr. TREADWAY. I think, if the gentleman will permit me to interject this remark, the gentleman from Ohio will agree with me that there is no occasion to expect the hotel to provide undue protection for something not necessary in the transaction between the guest and the hotel. In other words, where the guests are carrying large sums of money about, the hotel should not be liable. We had an illustration in the hearings before the committee of a man carrying \$10,000 in bonds around in his trunk and expecting that the hotel would assume the liability for the loss, whereas the real agreement between the hotel and guest merely covered the room and food.

Mr. GARD. Well, suppose this case: Suppose a man comes from New York, say, for illustration, to the New Willard Hotel in Washington. He comes with a thousand dollars in his pockets for the purpose of buying something here in Washington. He lands at the New Willard at 11 or 12 o'clock at night. He wants to put that \$1,000 in the safe in the office. He tenders it to the clerk, and the clerk says that they could not take any liability for that unless there is a special contract. He says, "We will pay \$500 if it is lost or we will pay nothing."

Mr. TREADWAY. The assumption the gentleman is going on is impossible. The fact is that at no time would a hotel in this city or any other be without some responsible representative of the proprietor in the office, and when a guest arrives with a thousand dollars and deposits \$500 of it in the safe, or the whole \$1,000 for that matter, the representative of the proprietor will receive it and give a receipt for it, the hotel itself making no profit out of it but simply asking you as a guest

to pay for the protection the hotel itself must pay. There can not be anything unfair about such a contract as that.

Mr. GARD. But when they accept that \$1,000 under this bill they accept it with the liability for \$500 and not for the \$1,000?

Mr. TREADWAY. It is expected that a person would have probably on a tour or traveling \$500 in value in currency or in jewelry or other form of security. The hotel should assume that responsibility without charge; but when it comes into these large sums which ladies traveling with little jewelry boxes, as the gentleman is well aware, containing thousands and thousands of dollars in value, why should the hotel be asked to assume the responsibility of keeping that package when it has nothing whatever to do with the rate the guests are paying for their board or their room? It is an unfair request, and one which I say has gone beyond the limit, putting an additional burden on the hotel beyond the point of what the guest is expected to pay for accommodations.

Mr. GARD. None of these hotels are compelled to take large bunches of jewelry of which the gentleman speaks or park a Pomeranian or anything of that kind.

Mr. BURDICK. I will say to the gentleman from Ohio I have the Ohio law here, and it provides a limit of \$500:

Innkeepers shall not be obliged to receive from the guest for deposit in such safe or vault property described in the preceding section exceeding the value of \$500, and shall not be liable for such value, whether received or not. Such innkeepers, by special arrangement with the guest, may receive for deposit upon written terms, as agreed upon—

Mr. GARD. Now, you go beyond that. We make no liability except by a special contract in writing.

Mr. BURDICK. Oh, no; I do not so understand it at all.

Mr. GARD. That is in the bill—making the liability \$500.

Mr. BURDICK. The same way in Ohio and in 25 other States.

Mr. GARD. I am not familiar just at this time with what the Ohio enactment is, and I will not state advisedly. Doubtless the gentleman is more familiar than I am, having recently studied this matter, but I question if it is drawn in reference to how the innkeeper should get paid.

Mr. BLANTON. If the gentleman will yield, I think the gentleman from Ohio has found a bugaboo in this bill that does not amount to so much. Is it not a fact, I will ask the gentleman, that these hotels, under such a law as he proposes—that the man they have in the office is prepared to sign this contract, which is printed, and he can sign it in half a minute, if a guest has valuables and wants to put them in the safe, and when the guest leaves he charges him this little premium?

Mr. TREADWAY. What the hotel itself has paid.

Mr. BLANTON. Yes. And the hotel is thereby helped to pay the kind of a man they have to have in order to take care of the business of protecting these valuables. It is not a great, big business transaction, where you would have to hunt the proprietor up and get him out of bed and bring him down in his night clothes to sign the contract. The man is in the office who has authority to sign the contract.

Mr. MANN of Illinois. I understand that this bill is to limit the liability of the hotel keeper. I suppose there is no way to limit the liability of the hotel guest?

Mr. BURDICK. None at all.

Mr. MANN of Illinois. There are some people who have put up at hotels in the last few years, or even the last few days, who would like to have some method of limiting their liability to hotels.

Mr. GARD. I will state there is such liability, if the gentleman will yield. It is all that the man who comes in has. It is everything he has.

Mr. TREADWAY. Is not that matter in the Attorney General's hands?

Mr. MANN of Illinois. I was not sure. The gentleman from Ohio [Mr. GARD] says there is a limit to liability; that they take all he has. I have been told by some gentlemen who are more experienced in hotels than I am, that they were not even satisfied with taking all they have.

Mr. BURDICK. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WALSH. Division, Mr. Speaker.

The House divided, and there were—ayes 23, noes 13. So the bill was passed.



On motion of Mr. BURDICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### AGRICULTURAL APPROPRIATIONS.

Mr. HAUGEN, from the Committee on Agriculture, submitted a conference report on the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, and for other purposes, for printing in the RECORD under the rule.

The conference report is as follows:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 93 to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year 1921, having met, after full and free conference have been unable to agree.

G. N. HAUGEN,  
J. C. McLAUGHLIN,  
GORDON LEE,

*Managers on the part of the House.*

A. J. GRONNA,  
G. W. NORRIS,  
*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, and for other purposes, submit the following statement in explanation of the effect of the action by the conference committee, and submitted in the accompanying conference report, as to the amendment of the Senate, namely:

On amendment No. 93 strikes out an appropriation of \$239,416 for the purchase and distribution of valuable seeds. The conferees have been unable to agree as to this amendment.

G. N. HAUGEN,  
J. C. McLAUGHLIN,  
GORDON LEE,

*Managers on the part of the House.*

#### CHANGE OF NAME OF DISTRICT OF COLUMBIA CORPORATIONS.

Mr. MAPES. Mr. Speaker, I call up the bill H. R. 5416, a bill to authorize corporations organized in the District of Columbia to change their names.

The SPEAKER. The gentleman from Michigan calls up a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5416) to authorize corporations organized in the District of Columbia to change their names.

*Be it enacted, etc.,* That the Code of Law for the District of Columbia be, and the same is hereby, amended by inserting another section, to be known as section 639a, which shall read as follows:

"Sec. 639a. That any corporation organized under the laws of the District of Columbia may change its name in the manner following:

"The board of directors shall pass a resolution declaring that such change is advisable and calling a meeting of the stockholders to take action thereon. Such a meeting shall be called upon such notice as the by-laws provide, and in the absence of such provision upon 10 days' notice given personally to each stockholder as his address is contained in the records of such corporation, a notice deposited in the United States mail, postage prepaid, at least 10 days prior to such meeting to be considered sufficient notice under this act. If two-thirds in interest of each class of stockholders having voting powers and of other persons having like powers shall vote in favor of such a change, a certificate thereof shall be signed by the president and secretary, under the corporate seal, and acknowledged as in the case of deeds of real estate, and such certificate shall be filed in the office of the recorder of deeds of the District of Columbia, and upon the filing of the same the certificate of incorporation shall be deemed to be amended and the name changed accordingly; and the filing of said certificate in conformity with this act shall have the same force and effect as to all future proceedings as if said certificate of incorporation or organization had been originally drafted in conformity with the amendment so made.

"That a certified copy of such certificate shall be taken and accepted as evidence in all courts and places of all matters legally stated therein; and the recorder of deeds shall keep an index in his office showing the new name and the change from the old name, and the old name showing the change to the new name; and no fees shall be required by the recorder of deeds for filing and recording any such certificate, except that ordinarily required for deeds of real estate of like length.

"That a corporation under its new name shall have the same rights, powers, and privileges, and shall be subject to the same duties, obligations, and liabilities as before, and may sue and be sued by its new name, but no action brought against it or by it under its former name shall be abated on that account, and on motion of either party the new name may be substituted therefor in the action.

"That upon the filing of said certificate for record a copy thereof shall be inserted, by the corporation whose name has been changed as hereinabove provided, once each week for four consecutive weeks, in two daily papers published in the District of Columbia."

Mr. MAPES. Mr. Speaker, there is no law in the District of Columbia now authorizing corporations to change their names.

I think that is a very unusual condition. The stockholders or those interested in corporations in most of the States, if not all, I believe have the right to amend their charters so as to change the names of their corporations at any time they see fit.

Mr. GARD. Will the gentleman yield for a question?

Mr. MAPES. I yield.

Mr. GARD. Will the gentleman advise me where the Committee on the District of Columbia acquires jurisdiction to amend the code of law for the District of Columbia? This is a bill providing:

That the code of law for the District of Columbia be, and the same is hereby, amended by inserting another section, to be known as section 639a, which will read as follows:

And it is reported by the Committee on the District of Columbia.

Mr. MAPES. I think, if the gentleman will permit, that the Committee on the District of Columbia has jurisdiction of this legislation. I have not contested, so far as I am concerned, the right of the Committee on the Judiciary, of which the gentleman is a member, to recommend certain legislation which I have had some question about that committee having jurisdiction of. It is true that it reported a bill to revise the code in the District of Columbia. Those who were interested in that proposed legislation consulted with me about it before it was introduced. It contained some things, I will say to the gentleman, which I think the Committee on the Judiciary ought not to have reported, and which should have come to the District Committee. However, I think there is no question about the right of the District Committee to report this legislation.

Mr. GARD. I have no desire to abridge the jurisdiction of the Committee on the District of Columbia, but when it had authority given to it to amend codes of law I do not know.

Mr. MAPES. Of course this only applies to the code in the District of Columbia.

Mr. MANN of Illinois. What committee would have jurisdiction over it?

Mr. GARD. The Committee on the Judiciary.

Mr. MANN of Illinois. Where does the Committee on the Judiciary get its jurisdiction over the revision of codes of law, and since when have they exercised it?

Mr. GARD. Any committee gets jurisdiction by reason of assignments, of course.

Mr. MANN of Illinois. They never have had that jurisdiction; the rules do not confer it, and practice has not conferred it, and they do not have such bills referred to it.

Mr. GARD. Oh, yes. They reported out the District Code bill the other day from the Committee on the Judiciary, a new District Code.

Mr. MANN of Illinois. I know, but the codification of the law does not go to the Committee on the Judiciary. That bill belonged to the Committee on the District of Columbia. It has not been the practice of the Judiciary Committee to have these bills.

Mr. GARD. I do not desire to dispute the gentleman. It seems to me it has always been the practice, not only with bills of this kind but all incorporation bills, to go to the Judiciary Committee, at least since I have been connected with it.

Mr. MANN of Illinois. Some of them.

Mr. GARD. No; all.

Mr. MANN of Illinois. No; I beg the gentleman's pardon. Probably it has been about half and half in the incorporations in the District of Columbia.

Mr. GARD. Does the gentleman contend that this District of Columbia Committee has jurisdiction to amend the Code of the District of Columbia?

Mr. MANN of Illinois. Certainly it has. It is a District matter. The rules specifically confer the jurisdiction, and the practice has followed the rule.

Mr. GARD. This is the first evidence I have seen coming from the committee.

Mr. MANN of Illinois. The gentleman has not been watching bills so closely until recently. There have not been bills coming from the committee recently. I have been watching them for a long time. I am glad those gentlemen are doing that work so efficiently. As a matter of fact the District of Columbia Committee does have the jurisdiction, in my opinion, of bills of this class, and not the Committee on the Judiciary, and that has been the practice.

Mr. GARD. My observation was that not only the complete bill that we passed the other day on the last calendar day that the Committee on the Judiciary had—not only did not that complete code come from the District of Columbia, but practically every other law, including the code law of the District of Columbia, had been submitted to the Committee on the Judiciary for its action.

Mr. WALSH. The only uniformity about this whole business of reference of bills, the only thing that has been uniform, has been the lack of uniformity in the references. It has been a uniform lack of—

Mr. GARD. Uniformity. [Laughter.]

Mr. WALSH. Mr. Speaker, will the gentleman from Michigan yield to me for another question?

Mr. MAPES. Yes.

Mr. WALSH. Do I understand this will not permit a corporation, such as the measure we passed recently provided for, to change its name, as outlined in this bill, but only corporations formed under the general laws of the District?

Mr. MAPES. That is my understanding of it.

Mr. WALSH. If that is so, why could not the association that wanted to be incorporated and which was provided for in this bill a little while ago have been incorporated under the general laws of the District?

Mr. MAPES. I do not know.

Mr. Speaker, I move the previous question.

Mr. MOORES of Indiana. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes; I yield to the gentleman from Indiana.

Mr. MOORES of Indiana. I have never been able to get hold of the code of the District of Columbia. It is not contained in the two sets of statutes that I have. I want to ask a question about it. Is there any provision in the code of the District of Columbia forbidding or regulating the adoption by a corporation of a name similar to or identical with that of another corporation of either the District or some State? Is there any law of the District forbidding that sort of thing?

Mr. MAPES. I will say to the gentleman that I do not know any statutory law forbidding that. I do not know whether there is any such law in the District of Columbia or not. Does not the general law prevent it, without an express statutory provision?

Mr. MOORES of Indiana. No; it does not.

Mr. GARD. Mr. Speaker, in reply to the gentleman's inquiry, I have in my hand a code of the laws of the District of Columbia. If the gentleman from Indiana would like to see it, he can.

Mr. MOORES of Indiana. I would like to get it, but let us go ahead. This bill ought not to permit a corporation to change its name without some restriction in the bill to the effect that the name shall not be similar to or identical with that of some other corporation of the District of Columbia or the State of Maryland or the State of Virginia or any other State.

Mr. MAPES. I will say to the gentleman that I do not recall whether there is anything in the statute prohibiting that or not.

Mr. Speaker, I move the previous question.

Mr. MANN of Illinois. Mr. Speaker, will the gentleman yield to me two or three minutes?

Mr. MAPES. Yes; I yield to the gentleman from Illinois five minutes.

Mr. MANN of Illinois. Mr. Speaker, I do not think we are in a great hurry. Gentlemen were discussing the code of the District of Columbia. The gentleman from Indiana [Mr. MOORES] said he had not seen a copy of it recently.

Mr. MOORES of Indiana. And I tried mighty hard to get it.

Mr. MANN of Illinois. My reference to that is only incidental and just an excuse. I have a copy of the code, and a copy of the laws of the District of Columbia besides, and this morning, picking up a bill reported from the Committee on the Public Lands relating to some land in the District of Columbia, I found a reference in the bill to a statute said to have been passed in 1822, and the bill recited it as having been printed in volume 21 of the statutes, page 45, or whatever it was. I turned to my copy of the laws of the District of Columbia, thinking I would find the statute, but did not find it. I went to the law library on the floor above and found that they knew nothing about it. I went to the law library of the Supreme Court of the United States and could get no information there. I telephoned to the Library of Congress and got the man at the head of the law department there, and he looked up everything he could find, and he said there was no such thing. I do not know whether there is or not, and I wonder where the Committee on the Public Lands got the information upon which they drew the bill. I do not see any member of that committee here, but I wish some brilliant genius on that committee would tell us where we could find this citation, Twenty-first Statutes, covering the acts of the Seventeenth Congress.

Mr. MAPES. I would like to say to the gentleman from Illinois that that is one of the bills that I think was improperly taken away from the District Committee.

Mr. MANN of Illinois. I think myself that it belongs to the District Committee.

Mr. MAPES. And I have been watching for the report. I had not noticed that the bill had been reported.

Mr. MANN of Illinois. I hope the gentleman will examine the bill. He will see that there may be some interesting inquiries to be made concerning it.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. MAPES, the motion to reconsider the vote by which the bill was passed was laid on the table.

#### REQUEST TO EXTEND REMARKS.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a short letter written to me by the chairman of the Committee on Rivers and Harbors—a letter about five lines long.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the Record by printing a letter from the chairman of the Committee on Rivers and Harbors. Is there objection?

Mr. WALSH. Reserving the right to object, the chairman of the Committee on Rivers and Harbors writes a great many letters. What is this one about?

Mr. EMERSON. I will read it to the gentleman.

Mr. WALSH. What is it about?

Mr. EMERSON. It is just a letter written to me stating the order of seniority in the assignments to that committee in the next Congress.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GARD. I did not hear what the gentleman said.

Mr. EMERSON. It is a letter written to me by Chairman KENNEDY, of the Rivers and Harbors Committee, stating that I would be the second man on the Rivers and Harbors Committee in the next Congress.

Mr. GARD. Does the gentleman desire to inform his constituents?

Mr. MOORES of Indiana. I object.

Mr. EMERSON. I hope the gentleman will not object.

Mr. MOORES of Indiana. I certainly shall object. It is a purely personal matter.

The SPEAKER. Is there objection?

Mr. MOORES of Indiana. I object.

#### ADJOURNMENT.

Mr. MAPES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p. m.) the House adjourned until Tuesday, May 25, 1920, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a deficiency estimate of appropriation required by the Public Health Service for the fiscal year ending June 30, 1920 (H. Doc. No. 783); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimate of appropriation for inclusion in the general deficiency bill for the completion of the post-office building at Columbia, S. C. (H. Doc. No. 784); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting an estimate of appropriation required by the War Department during the fiscal year 1920 for the payment to Ragsdale, Corbett, and Hart, reporters to Committees on Expenditures in the War Department (H. Doc. No. 785); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required to cover estimated deficit in operation of waterway transportation systems (H. Doc. No. 786); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required by the Treasury Department for relief of certain employees in the office of the Assistant Treasurer of the United States (H. Doc. No. 787); to the Committee on Appropriations and ordered to be printed.



6. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required by the War Department for the employment of civilian employees in the office of the Director of Finance, fiscal year 1921 (H. Doc. No. 788); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting alternative supplemental estimate of appropriation required by the Post Office Department, fiscal year 1920 (H. Doc. No. 789); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the War Department for the care of insane Filipino soldiers, fiscal year 1920 (H. Doc. No. 790); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 2328) relating to the title to lands to be acquired as a site for a post-office building at Spring Valley, Ill., reported the same without amendment, accompanied by a report (No. 1031), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Pennsylvania, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13962) to amend an act approved February 27, 1919, entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," reported the same with amendments, accompanied by a report (No. 1032), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KELLY of Pennsylvania, from the Committee on Claims, to which was referred the bill (H. R. 12174) to reimburse Clarence J. Vaughan, of Marquette, Mich., for money lost in registered letter, reported the same without amendment, accompanied by a report (No. 1030), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOULD: A bill (H. R. 14207) to amend the revenue act of 1918, approved February 24, 1919; to the Committee on Ways and Means.

By Mr. ESCH: A bill (H. R. 14208) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: A bill (H. R. 14209) to provide increase in compensation of employees in the Postal Service; to the Committee on the Post Office and Post Roads.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DALE: A bill (H. R. 14210) granting a pension to Ella K. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14211) granting a pension to Frances Ann Sherlaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14212) for the relief of Charles J. Hilliard; to the Committee on Military Affairs.

By Mr. ELSTON: A bill (H. R. 14213) granting an increase of pension to Elsie Gillett; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 14214) to pay Silas McElroy, of Cleveland, Ohio, the sum of \$600 for injuries received while in the service of the Treasury Department; to the Committee on Claims.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 14215) granting an increase of pension to Ada L. Kinsey; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 14216) granting a pension to Benjamin J. Close; to the Committee on Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 14217) granting a pension to Hannah Lovell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14218) granting a pension to Peter L. Brown; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 14219) granting an increase of pension to Mary V. Benton; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 14220) granting a pension to Jane Coleman; to the Committee on Invalid Pensions.

By Mr. VENABLE: A bill (H. R. 14221) authorizing the Secretary of the Interior to sell and patent to Frank Russell, of Newton County, Miss., certain lands; to the Committee on the Public Lands.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3857. By the SPEAKER (by request): Farmers' views on the national strike questions; to the Committee on the Judiciary.

3858. Also (by request), petition of New York Produce Exchange, protesting against the proposed bonus and the method of taxation for same; to the Committee on Ways and Means.

3859. Also (by request), petition of former citizens of White Russia, Ukraina, and Lithuania at a meeting at St. Louis, Mo., favoring the freedom and self-determination of said countries; to the Committee on Foreign Affairs.

3860. By Mr. ASHBROOK: Petition of 68 ex-service soldiers of the State of Ohio, favoring bonus legislation; to the Committee on Ways and Means.

3861. By Mr. DARROW: Petition of Philadelphia Board of Trade, opposing the passage of House bill 12397, levying a tax on real estate; to the Committee on Ways and Means.

3862. By Mr. ESCH: Petition of American Medical Association, favoring publishing of a medical history of the war; to the Committee on Appropriations.

3863. By Mr. JOHNSTON of New York: Petition of Bakers' Union, Local No. 163, Brooklyn, N. Y., favoring the passage of Senate joint resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

3864. By Mr. McGLENNON: Petition of Peter O'Neill Crowley Branch, Friends of Irish Freedom, supporting House resolution 520; to the Committee on Foreign Affairs.

3865. Also, petition of board of commissioners of the city of Newark, N. J., asking immediate settlement of railroad strikes; to the Committee on Interstate and Foreign Commerce.

3866. By Mr. O'CONNELL: Petition of Bakers' Union, Local No. 163, New York, N. Y., favoring the passage of Senate joint resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

3867. Also, petition of sundry small packers in the United States, protesting to Congress and the American people against the charges of profiteering; to the Committee on the Judiciary.

3868. Also, three petitions of associations favoring increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

3869. Also, three petitions of individuals and corporations in connection with the bonus legislation; to the Committee on Ways and Means.

3870. By Mr. ROSE: Petition of Ancient Order of Hibernians, Division No. 3, of Patton, Pa., favoring speedy action on the Mason resolution; to the Committee on Foreign Affairs.

3871. By Mr. SNYDER: Petition of Betson Plastic Fire Brick Co., of Rome, N. Y., favoring tax on advertising and against increases of income and business taxes; to the Committee on Ways and Means.